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VOLUME 27

PROHIBITION IN NORTH CAROLINA, 1715-1945

By

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and
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CHAPEL HILL

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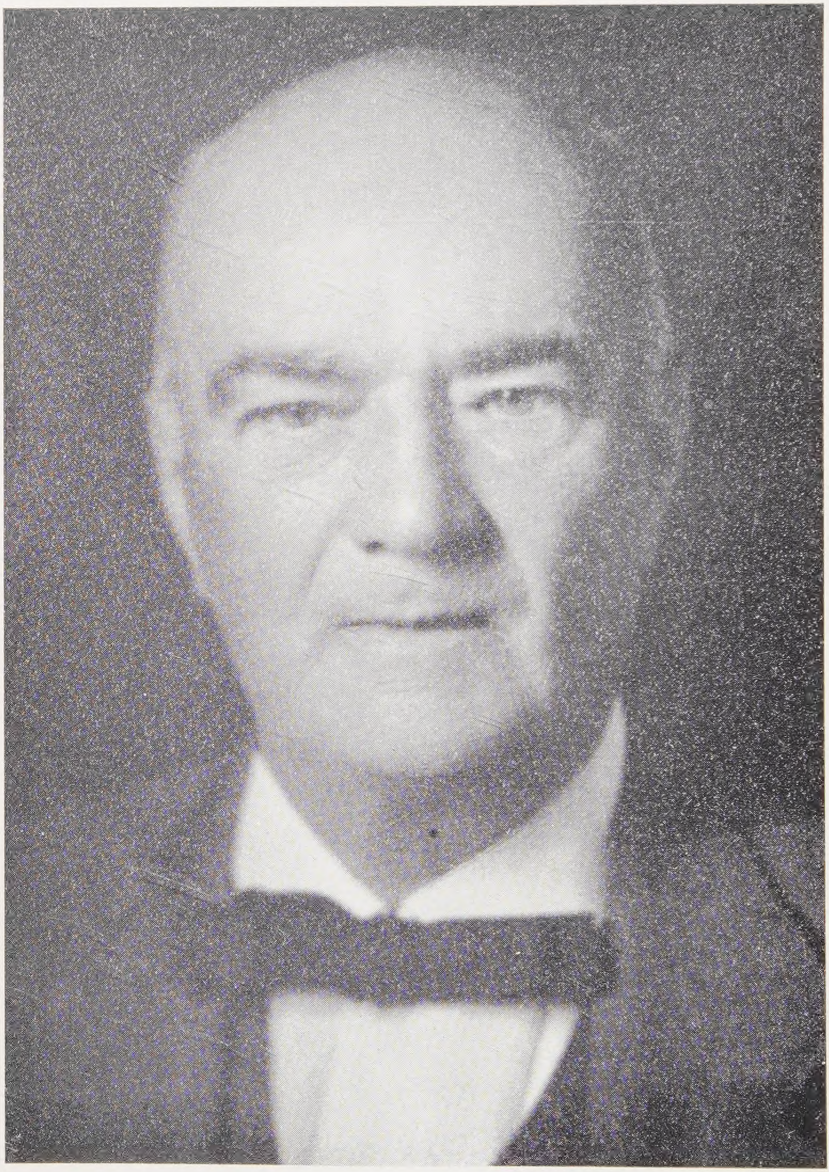

JUSTICE HERIOT CLARKSON

PROHIBITION IN NORTH CAROLINA, 1715-1945

By

DANIEL JAY WHITENER, Ph.D.

Professor of History and Government
and
Head of Department of Social Studies
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CHAPEL HILL

*

THE UNIVERSITY OF NORTH CAROLINA PRESS

1945

DEDICATION

Judge Heriot Clarkson

For many years Honorable Heriot Clarkson, Associate Justice of the Supreme Court, was the unofficial leader of the prohibition forces in North Carolina. He began his lifelong militant fight against intemperance when a young attorney in Charlotte. His attitude and sentiment were expressed in these words:

"My strongest ambition as a boy was to see the saloons abolished in Charlotte; I saw clearly the great evil they did. Every public office I ever held I held as an opponent of the Saloon. On July 5, 1904, Charlotte was carried for prohibition by 485 majority, and I led the contest as chairman of the Anti-Saloon League."

Following up his early fight against the Saloon in his home city, Justice Clarkson threw the weight of his powerful influence in the campaign in the year 1908 for State prohibition, and ever afterwards opposed all measures that tended to weaken the full effect of the State prohibition decreed twice by the voters of the State by an overwhelming majority.

Justice Clarkson's public record in North Carolina embraces service in the General Assembly where he led for industrial education and development, and temperance; as solicitor by appointment and election, in which he enforced the law with ability and impartiality; as active political leader, and as chairman of the forces which nominated Honorable Cameron Morrison for Governor of the State; and as able Associate Justice of the Supreme Court, which office he held until his term was ended by death—in all these positions of trust, he was faithful to his convictions and ideals. When judicial precedents forbade activity in politics, Justice Clarkson was ever zealous, in a multitude of ways, to uphold the prohibition laws of the State, and his counsel and leadership were relied upon by all who believed in the cause of prohibition, which was nearest his heart.

In private life, Justice Clarkson was a leader in his church and built as a memorial to his father, Saint Andrew's Chapel near Charlotte. For many years he was a vestryman of St. Peter's Episcopal Church at Charlotte. He incarnated in a singular clean life the religion which he professed, and carried it into his public career.

Sincerely yours,

Josephus Daniels

Raleigh, North Carolina
November 23, 1943

PREFACE

In his arresting little book of essays, *A Common Faith,* John Dewey says that the "new vision does not arise out of nothing, but emerges through seeing, in terms of possibilities, that is, of imagination, old things in new relations serving a new end which the new end aids in creating.

"Moreover the process of creation is experimental and continuous. The artist, scientific man, or good citizen, depends upon what others have done before him and are doing around him."

Under a democratic government people may entertain opinions which differ widely. One of these has been, is now, and will likely remain for some time the better or the best method of regulating the traffic in alcoholic beverages. While there are differences of opinion as to the best methods, the best agencies, the best laws, there are those who believe there should and may yet be "a common faith" distilled through the "process of creation."

The purpose of this volume on the history of prohibition in North Carolina is to relate "what others have done before" and are doing now about the liquor traffic. With this information before them the people of North Carolina may be better able to deal with this problem, and to deal with it with less passion, less ignorance, and less distrust of motives, but with no less imagination.

The problem of the regulation of intoxicating beverages has proved difficult of solution, it touches the conduct of people in many different and intimate ways. It involves, to mention only two, a habit of appetite, which has been regarded by many as a purely private or individual matter; it involves a way of making a living. No one would claim that the profit motive is less real in the distillation and sale of whiskey than in the manufacture and sale of cigarettes—both are done to meet a demand, and both help create the demand. That the problem is difficult to solve has not made it unimportant nor the attempts at control less numerous nor the urgency of reform less pressing, in the opinion of many people in North Carolina, during more than two centuries. Indeed, there is an abundance of evidence in this volume to show that the temperance or prohibition advocates regarded the problem all the more important because liquor did touch vitally the moral, social and economic welfare of every citizen.

In the preparation of this volume, I have used many types of sources. The most important were statutes, newspapers, and church records. Secondary materials for much of the period were scanty or non-existent. Very few historical studies have been made on any phase of this subject. Excepting three or four books, there were no valuable studies of prohibition

in the United States. Moreover, when this research was completed there was no adequate study of prohibition in any Southern state. Thus this book has, at least, the doubtful merit of being a pioneer study.

My indebtedness as author is a heavy one. I am grateful to Judge Heriot Clarkson for his personal assistance and for the privilege of examining his scrapbooks on prohibition. Reverend C. A. Upchurch patiently assisted me with records, letters, and advice. Messrs. C. S. Wester, auditor of the State Board of Alcoholic Control, and John W. Umstead rendered valuable aid. I acknowledge the help given by Dr. C. C. Crittenden and Mr. D. L. Corbitt of the North Carolina Historical Commission, by Miss Georgia Faison, Miss Mary Thornton, and Mr. O. V. Cooke of the Library of the University of North Carolina, and by the Library Staff of Duke University.

I wish to acknowledge and to thank all those who helped in the preparation of this manuscript. While I was a student in the Graduate School of the University of North Carolina, Dr. R. D. W. Connor, then Head of the Department of History, suggested the topic for this study and encouraged me to submit the materials of the first nine chapters of this book as a dissertation for the degree of Doctor of Philosophy awarded in 1932. Dr. J. G. deR. Hamilton and Dr. W. W. Pierson, also of the University of North Carolina, read the first nine chapters and made helpful suggestions for their improvement. During 1941-1942 and 1945 the research for the chapters since 1908 was completed.

Especially do I wish to thank Dr. Graydon P. Eggers, Professor of English at Appalachian State Teachers College, Dr. Fletcher M. Green, Professor of History at the University of North Carolina, and Dr. A. R. Newsome, Head of the Department of History at the University of North Carolina, for their careful reading of the revised and enlarged manuscript. I am particularly indebted to them for their invaluable suggestions for the improvement of both the style and the content of the book.

To my brother, Russell W. Whitener, Attorney at Law, I am deeply thankful for his reading and improving the manuscript, for his advice dealing with the legal aspects of the problem, and for his aid in the preparation of the final copy. To Annie Choate Whitener, my wife, and Jack Whitener, my son, I am grateful for their aid and encouragement in the whole undertaking. For all errors in the book, for its point of view, for the omissions and inclusions, I alone am responsible.

D. J. Whitener.

Boone, North Carolina
August 17, 1945

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PROHIBITION IN NORTH CAROLINA, 1715-1945

CHAPTER I

GENESIS OF CONTROL

The liquor problem of North Carolina arose during the colonial period more than two centuries ago. Although the modern form of prohibition was not agitated until about a hundred years later, laws to license the sale of liquor and to punish public drunkenness were enacted during the first part of the eighteenth century. Since that time North Carolina has never been without laws to regulate, control, or prohibit the traffic in alcoholic beverages.

The first restrictions were regulative measures designed to prevent personal excesses and public disorders. Religious and factional quarrels, political instability, and Proprietary neglect had culminated in the Tuscarora Indian uprising. During this truculent period, places for the sale of liquor were often the center of public drunkenness and its attendant brawls and disorders. To correct these abuses became the primary objective, with the restoration of peace, of the legislature.

In the Great Revisal of 1715, retail establishments, taverns, ordinaries, and tippling houses, were surrounded with many legal restrictions. To restrain the retailer from charging extortionate prices, either by means of short measure or by an excessive price, an "Act Concerning Ordinaries and Tippling Houses" required all persons who retailed wine, beer, or other strong drink to use the English sealed measures—pints, quarts, bottles, and gallons.[1] Anyone violating this provision was to be fined five pounds, one-half paid to the informer and the other half to the public treasury. In order to protect importers from suit, the penalties did not apply to liquor and wines sold in the same vessels in which they were imported.

Another part of the same statute, generally regarded as a phase of English mercantilism, fixed the price of the commodity. Beer and unboiled cider manufactured by the ordinary keeper or by any other person were to be sold at one shilling and six pence per gallon. The price of all other liquor was to be determined by the cost, fixed at not more than "Cent per Cent above the first Cost of Value of the Liquors so sold."[2]

The price-fixing clause of the law of 1715 caused considerable confusion. By allowing the ordinary keeper to sell the liquors for "cent per cent" above the costs to him, the law gave the keeper extensive "liberty" to charge his customers exorbitant prices. Although the law contemplated, without giving proper consideration to the variations caused by the conditions of travel and transportation, that the retail price should be based on the wholesale price, there was no means of knowing what the original cost was. Taking advantage of this lack of knowledge, many retailers grasped the opportunity to increase the cost to the disadvantage not only

[1] *State Records*, XXIII, 79. [2] *Ibid.*, XXIII, 80.

of the buyer but also of the retailer who tried faithfully to carry out the spirit as well as the letter of the law.

The law, as amended in 1720, took from the retailer the abused price-fixing privilege and placed it elsewhere.[3] Thereafter the "several precinct courts of this province are hereby empowered at every precinct court to assess the price of all liquors to be sold by Ordinary Keepers."[4] A fee of ten shillings paid by the public was collectible by the clerk of the court for making out the "Table of Prices." Two years later, however, another change provided that the fee should be paid by the ordinary keeper.[5] A violation of the table made by the magistrates was punishable by a fine. Throughout the colonial period the county court fixed retail liquor prices.

More significant than these clauses in the law of 1715 were the provisions which required those who retailed liquors to have a license. Meeting the need for more responsibility and beginning a practice that prevailed for two centuries, the law of 1715 provided that any person who wished to retail liquor, not the product of his farm, should obtain a license from the governor.[6] If the liquor was manufactured by the retailer and if it was not drunk at the place of sale, no license was required. Before a license would be granted, the applicant must furnish a bond to the amount of forty pounds, promising to observe faithfully all North Carolina laws regarding such public houses and "all such other Laws and Statutes as are and ought to be kept and Observed by the persons retailing Liquors within the Kingdom of Great Britain."[7] The fine for violation was set at forty shillings, divided equally between the informer and the public treasury. Interestingly enough, nothing was said about charging for the license; the inference is that, at its beginning, the license as a source of revenue was not contemplated.

For the next two decades, under improved political and economic conditions, no important changes were made in the license system. But as civil war and Indian uprisings of a former period had created intolerable abuses, so the peace and quiet of twenty-five years later quickened the social conscience to the less serious disturbances taking place in and around the ordinaries and tippling houses. Giving official expression to the rising public hostility against these establishments, Governor Gabriel Johnston in his message to the legislature in 1740 recommended that improvements be made in the license law. This he did because of "the many notorious abuses, which attend the present method of granting Licenses for Ordinary Keepers."[8]

[3] *Ibid.*, XXV, 169.
[4] *Loc. cit.* It also gave the courts the right to fix the price for "all dyetting and Lodging people, Pasture and Provender for Horses."
[5] *Ibid.*, p. 182. In "An Act Concerning fees and officers."
[6] *Ibid.*, XXIII, 80.
[7] *Idem.*
[8] *Ibid.*, IV, 472. He said further: "I find myself very much at a loss, how to prevent them in a legal manner, and mention it more willingly because all these abuses may be prevented without any loss of time, by putting those Licenses on the same reasonable footing here, as they are in most of our neighboring Colonys."

In obedience to the recommendation of Governor Johnston and in deference to an aroused public sentiment, the General Assembly not only improved the license system but also outlawed the tippling house. In 1741, "An Act for regulating Ordinaries and for Restraint of Tippling houses"[9] abolished indirectly the latter by requiring all retailers to furnish food and lodging for their guests.[10] For the next half-century, until 1798, there were no legal tippling houses or saloons in North Carolina.

Another significant change made by the law of 1741, a change that marked the beginning of a policy that lasted in principle for a century and a half, gave to the county courts the power to grant licenses.[11] Because the governor, who hitherto issued the licenses, was not and could not be well acquainted with local situations and conditions in each county, he was unfitted for this work. According to the new provision, "whosoever intends to set up an ordinary, or House of Public Entertainment, shall petition the County Court, and they, at their Discretion, shall judge whether it is convenient to suffer such a House to there be set up."[12] The court was required to examine the ability of the petitioner to comply with the intent of the law and meet the conditions of the bond, fixed at thirty pounds, proclamation money, and to issue licenses for only one year at a time.[13] The penalty for selling without a license was five pounds, one-half to the informer and one-half to the local vestry. For the first time a fee of twenty-five shillings, twenty to the governor and five to the clerk, was charged.[14]

To correct yet other abuses the act was extended to include additional dealers. Hitherto one could sell without license, provided the liquors were the product of the retailer's farm, and provided that they were not drunk at the place of sale. Now neither a merchant nor any other person could sell wine, brandy, rum, or spirits in retail quantities of less than a quart, or ale, beer, or cider in quantities of less than a gallon without first obtaining license.[15] Even in sales of more than the measures specified, the liquors were not to be "tippled" or drunk at the house, store, or plantation where sold.[16]

[9] *Ibid.*, XXIII, 182.

[10] The bond required that "good wholesome and cleanly Lodging and Dyet for Travellers and Stable Fodder, and Corn or Pasturage and Corn, as the season shall require, for their Horses" be furnished; *ibid.*, p. 183.

[11] The Constitution of 1868 abolished the county court, but its functions were exercised, with modification, by the county commissioners. In this instance, the commissioners granted the licenses.

[12] *Ibid.*, XXIII, 183.

[13] *Ibid.*, p. 184. If any person who violated the law refused to pay the fine "he or she so offending, shall immediately, by Order of the Court before whom such Conviction shall be, receive, at the Public Whipping Post, on his or her bare Back, Thirty lashes, well laid on, for the First Offence, in Lieu of said Fine." The second offence was punished with thirty-nine lashes and one month in prison; *ibid.*, p. 185.

[14] *Ibid.*, XXIII, 183.

[15] *Ibid.*, p. 185.

[16] *Idem.* Nothing is said about any exemption for the manufacturer of liquor who used the products of his plantation.

In 1758 the discretionary power of the county court was enlarged.[17] Previously limited to material consideration, the justices were compelled to issue licenses to many applicants who were neither morally fit nor financially able to operate ordinaries. To correct these evils justices were authorized to inquire into the character of the applicant. If he complied with all other provisions of the law, the license was to be granted "unless it shall appear to the said Court that the person so applying is a person of Gross Immorality, or such poor circumstances, and slender credit, that they think it will not be possible for him to comply with the intention of this act, or usually suffers excessive or unlawful gambling in his house."[18] Strengthening further this discretionary power, the legislature in 1766 provided that "if such Petition shall appear Reasonable, and the person petitioning be thought to be of Good Character" the license should be granted.[19]

The Revolutionary War did not materially influence the development of the license system. With minor exceptions, the first state law in 1779 regarding the retail of liquor was virtually a reënactment of the colonial system.[20] It reduced the discretionary power of the county court by omitting the provision relating to the character of the petitioner, and reënacted the provision in the law of 1758 that "a person of Gross Immorality, or of such poor circumstances, and slender credit" should not be given a license. On the other hand the system was strengthened by raising the bond of the ordinary keeper to one thousand pounds. For selling without license a fine of fifty pounds was ordered, and for violating the price list set by the court a fine of one hundred pounds. It is also noteworthy that the only charge for the license was a fee of five dollars, to be paid to the clerk "for his own use."[21] Hitherto a part of the fee went to the governor. As formerly, the person who sold wine, rum, and brandy in quantities of a quart or more and ale, beer, and cider in quantities of a gallon or more was not required to have a license, but the beverage was not to be drunk where sold.[22]

In 1798 the General Assembly enacted another important law in the development of the technique of liquor control.[23] The tippling house was again legalized. Although the license system continued to control the ordinaries, except that the keeper's bond was reduced to one hundred pounds, a new plan for tippling houses was started. By it any person who wished to retail liquor "without applying to the court for a license to keep an ordinary house of entertainment should signify the same to the Justice of the Peace" at tax listing time. The justice was to report this request to the clerk of the court, who in turn was ordered to issue the license.[24] Nothing was said about the character of the applicant; nothing

[17] *Ibid.*, p. 492.
[18] *Loc. cit.*
[19] *Ibid.*, p. 725.
[20] *Ibid.*, XXIV, 279.
[21] *Ibid.*, p. 280.
[22] *Ibid.*, p. 281.
[23] *Laws of North Carolina*, 1798, XVIII, 10.
[24] *Ibid.*, 1798, p. 11.

was required. For the license, the retailer must pay forty-eight shillings each year to the state, thus beginning the policy of taxation that lasted for more than a century.[25]

Regulation of Public Drunkenness

Throughout the history of North Carolina the foundation of all phases of liquor control, whether by means of a license system, moral suasion, local-option prohibition, or state prohibition, there was one central objective—to abolish *public* drunkenness. It is reasonable to suppose that without public drunkenness and its attendant evils there would have been less difficulty in control.

Practically all of the early settlers drank as a beverage some form of intoxicant.[26] This, of course, does not mean that they were drunkards; quite the contrary was true. After describing how he had frequently seen people visit the taverns and there remain drinking rum, punch, and other liquor for as long as eight or ten days at a time and staging a "Frolick," Brickell wrote in 1728 that among the "better sort" this practice was not followed and that they seldom went to the taverns. The latter, he added, had plenty of wine, rum, and other liquor, which they freely used, at their own homes.[27]

Janet Schaw, writing just before the Revolution, commented on the widespread use of liquor among all classes and drunkenness among "common people."[28] "This fiery fluid which they drank for their health and happiness was considered a requisite for the domestic board and a 'dram' was a symbol of hospitality."[29] An examination of early records and inventories shows that stills were a part of all well-equipped plantations.[30]

No moral stigma or disgrace was attached to the drinking of liquors. The Established Church gave its silent and, on occasion, open endorsement. Reverend John Urmstone, missionary, wrote in 1714 to the Society for the Propagation of the Gospel that he wanted twenty pounds sterling

[25] *Ibid.*, p. 10.

[26] Statistics are lacking, but the meager information available points to the importance of liquors; see David A. Wells, "Influence of Rum and Whiskey on the Commercial Life of the Colonies," *Princeton Review*, March, 1884; see also Guion Griffis Johnson, *Ante-Bellum North Carolina*, pp. 17, 96-97.

[27] John Brickell, *The Natural History of North Carolina*, p. 33. See also W. K. Boyd (ed.), *William Byrd's Histories of the Dividing Line*, p. 153.

[28] C. M. Andrews and Evangeline Walker Andrews (eds.), *Journal of a Lady of Quality*, p. 151.

[29] Francis Nash, "Historic Hillsboro," *North Carolina Booklet*, 1903, III, no. 4, p. 9. "To be able to drink steadily and freely with all guests without getting drunk, was a great accomplishment in those days." *Idem.*

Waighstill Avery wrote (1769) of an evening in Hillsboro, where he spent the night: "The evening was spent with a great crowd of lawyers and others. I narrowly escaped intoxication." *Ibid.*, III, no. 4, pp. 9-10. See also C. Wearn, *Domestic Life in Colonial North Carolina*, p. 47.

[30] J. Bryan Grimes (ed.), *North Carolina Wills and Inventories*, pp. 224, 470; R. D. W. Connor, *History of North Carolina, Colonial-Revolutionary Periods*, p. 188.

to be spent for sugar, molasses, and rum and "the best pale of slack dried malt . . . with hops." The three former, he naively added, were "as precious here as gold of Arabic" and with them he could buy provisions.[31] Yet the evidence is that he wanted the rum for "home consumption"; he was characterized by a contemporary as a "notorious drunkard."[32] So widespread was the habit and so general was the custom of drinking intoxicants that even the dissenting churches were generally obediently silent. When protests were made, they were directed not against the use but against the abuses of liquor.

Public occasions and holidays were celebrated with excessive drinking.[33] Colonial custom sanctioned the practice of serving whiskey at funerals. If the deceased was of the wealthier class, large quantities of liquor were often served.[34] The unsettled years of the Revolutionary War stimulated drinking. As part of their daily ration soldiers were given liquors; without it they were regarded as unfit for the army.[35]

Despite the endorsement of the use of intoxicants in most homes, public drunkenness was frowned upon and made a crime as early as 1715. In the law of that year, already referred to, because "the odious and loathsome Sin of Drunkenness is of late grown into common use within this Province being the Root and foundation of many Enormous Sins," drunkenness was made a crime punishable by a fine.[36] For being "drunk upon the Sabbath Day, the 30th of January,[37] and the 22nd of September,"[38] a fine of ten shillings was to be paid, and for any other day a fine of five shillings. As a result of the protest from the ordinary keepers a backward step was taken in 1723 when "sick persons, strangers, and travelers" were exempt from the provision regarding public drunkenness on Sunday.[39] The law of 1715 and the amendment of 1723 were reenacted in 1741 with reduced fines.[40] For being drunk on the Sabbath a fine of five shillings was to be imposed, and for any other day a fine of only two shillings.[41]

Responsibility for disorders occurring in their establishments was more specifically placed on keepers of ordinaries and of houses of entertainment by the law of 1741. Neither were they allowed on Sunday to "suffer

[31] *Colonial Records,* II, 128. This is from a letter written by John Urmstone, missionary, to General Nicholson, April 12, 1714.
[32] *Ibid.,* II, 431. From a letter to the secretary, May 26, 1721. It further says of him that "his life is so wicked and scandalous, notorious drunkard."
[33] Johnson, *op. cit.,* pp. 97, 153.
[34] Andrews, *op. cit.,* p. 171; also, Thompkins, *History of Mecklenburg,* II, 88.
[35] *State Records,* XXIV, 198, 199.
[36] *Ibid.,* XXIII, 4.
[37] The day "Whereon the late Royall Martyr and sovereign King Charles I, was barbarously murthered."
[38] The day of the "Anniversary of the late barbarous massacre committed by the Indians on inhabitants of Bath County in the year 1711."
[39] *State Records,* XXV, 201.
[40] *Ibid.,* XXIII, 173; see also XXV, 358.
[41] *Ibid.,* XXIII, 173-174; see also XXV, 203, 262.

any person to tipple and drink more than is necessary."[42] Seemingly this provision meant that the guest should not get "dead" drunk. In 1770 any "Tavern Keeper, Ordinary Keeper, or Retailer of Liquors, or Keeper of Public Houses" who allowed any person to sit tippling or drinking during "Divine Service or to get drunk in his house shall pay twenty shillings."[43]

While there was no conscious attempt during this early period to establish prohibition, yet the lawmakers did not hesitate to remedy intolerable conditions by legal means. Illustratively, without the consent of their masters certain classes were not allowed to purchase liquors. Common sailors were placed under this law only after 1741.[44] At first slaves were allowed to purchase without the consent of their masters, but by 1758 both they and indentured servants were put under the same restrictions as the sailors.[45] As a means of discouragement to the poor classes from wasting their slender means and unearned wages for strong drink, the legislature restricted their credit. A debt of more than ten shillings contracted for the purchase of liquors was uncollectible unless the purchaser signed a "Book of Acknowledgement of said Debt."[46]

Since the enforcement of liquor laws has always constituted a major factor of control, law enforcement during the colonial period received attention. Unfortunately, the original court records of that period are not available, but the *Colonial Records* speak on this subject briefly if not definitively. At the Court of Oyer and Terminer held in Chowan Precinct, 1720, David Ambrose and Francis Branch were presented by the grand jury for retailing liquors without licenses. Tried and convicted, they were fined ten pounds each.[47] Six other men were presented for being drunk and swearing, and three just for being drunk, but they were not convicted.[48] William Barnes petitioned the General Assembly in 1753 from New Hanover County for a "Nolle Posse qui" to his indictment because his wife had sold liquor contrary to law in his absence.[49] Isolated though they are, these cases give some proof that the liquor laws were reasonably well enforced.

Liquors in Colonial Trade

The most important intoxicating beverage of the colonial period was rum, usually imported from New England and the West Indies. Not

[42] *Ibid.*, XXIII, 183.
[43] *Ibid.*, XXIII, p. 808.
[44] *Ibid.*, XXIII, pp. 184-185; see also pp. 493, 727.
[45] *Ibid.*, XXIII, pp. 493, 727, 728.
[46] *Ibid.*, XXIII, pp. 184-185. In 1758 the twenty-shilling fine was changed to five pounds. *Ibid.*, p. 493; see also *ibid.*, p. 728 (1766). At this time (1779) it was provided that sailors could be credited without consent of their masters up to ten pounds; others up to twenty pounds. In 1794 the amount to sailors was reduced to five pounds. *Laws of North Carolina,* 1794 ch. 24, p. 16.
[47] *Colonial Records,* II, 401, 405; see also Crittenden, "Overland Travel in North Carolina, 1763-1789," *North Carolina Historical Review,* VIII, 251.
[48] *Colonial Records,* II, 401.
[49] *Ibid.*, V, 34. The petition was granted because he was a poor man and innocent of the crime.

until near the middle of the eighteenth century did corn whiskey come into common use.[50] As the rise of the use of whiskey parallels the settlement of the piedmont, the Scotch-Irish, German, English, and other immigrants there doubtless contributed to its popularity. Without ready means of transportation, corn and other bulky commodities could not be economically marketed.[51] Because a profit could be made from distilled liquors, home-made whiskey quickly rivaled in volume and in popular favor imported rum. After the Revolutionary War the former supplanted rum almost entirely and when Congress in 1791 was about to levy an excise tax on whiskey, the legislature adopted a resolution instructing the representatives in Congress to vote against the tax; in both the Senate and House they opposed it.[52] After the enactment of the law, serious opposition in western North Carolina arose and continued until Congress, in deference to this and protests from other states, revised the law to exempt the small stills.

In addition to rum and whiskey the colonists drank other beverages. John Brickell, writing in the eighteenth century, said that rum, brandy, and malt drinks were imported, while "cyder, Persimon Beer, made of the fruit of that tree, Cedar Beer, made of Cedar Berries" were made at home. "They also made Beer," he wrote, "of the green Stalks of *Indian* Corn, which they bruise and boyle. Likewise make Beer of molasses or common Treacle . . . this is their common Small Beer, and seems to me to be the pleasantest Drink, I have ever tasted, either in the Indies or Europe."[53]

Wine did not have a very important place in the lives of early North Carolinians, although grape culture seems to have been one of the purposes of the Lords Proprietors in establishing the colony. In the Charter of 1663 wine was mentioned as one of the products which for a period of seven years would be free of duty in England.[54] Writing to the Crown in 1749, Governor Gabriel Johnston said, "I can with pleasure inform your Grace that I have brought wine and Raw Silk to a good Degree of perfection and if I had my arrears paid I don't Doubt but to turn the minds of the people of this province pretty universally that way."[55] Gradually the wine industry grew to some importance but in no wise to that of distillation of whiskey. By the time of the Revolution wine was the favorite drink among certain classes, but the better wines were imported.[56]

[50] *State Records,* XXIII, 79; *ibid.,* p. 185.

[51] For excellent treatment of travel and communication see C. C. Crittenden, "Overland Travel in North Carolina, 1763-1789," and "Means of Communication in North Carolina, 1762-1789," *North Carolina Historical Review,* VIII, 239-257; VIII, 373-383.

[52] *Laws of North Carolina,* 1791, p. 48.

[53] Brickell, *op. cit.,* p. 38.

[54] *Colonial Records,* I, 27.

[55] *Ibid.,* IV, 910.

[56] *Ibid.,* IX, 612. "The favorite liquors of Carolinians are Claret and Port Wines, in preference to Madeira of Lisbon," quoting *Memoir of Josiah Quincey.* Miss Schaw, writing just before the Revolution: The wine "is already excellent

As a source of revenue the colonists levied duties on liquors to meet, at first, contingent governmental expenses, and, later, special expenses. As early as 1734, seeking to silence the growing complaints of the poorer people against the poll tax and to widen the basis of taxes without levying on property, the legislature placed a duty on liquors.[57] Twelve years later, in 1746, a duty on wine, rum, and distilled liquors imported into the province was levied to pay the expenses of a commission created to revise the laws.[58] To help defray the cost of building the "Governor's Palace" at Newbern, a duty was placed in 1766 on all liquors imported into the province, those from Great Britain excepted.[59]

During periods of emergencies the legislature turned to liquor for revenue. At the beginning of the French and Indian War, in 1754, a tax was levied on liquor for the purpose of "granting to his majesty the sum of Forty Thousand Pounds . . . toward defraying the expenses of raising and subsisting the Forces . . . in their Province."[60] Establishing early the principle of making liquors pay for education, the legislature authorized, in 1766, for a school in Newbern, a duty of one penny per gallon on all rum or other spirituous liquors for a term of seven years "for and towards raising a Fund for the Education of Ten Poor Children."[61] Likewise the law for the establishment of Queens College in Mecklenburg, in 1771, provided that a duty of six pence per gallon on all rum or other liquors brought into and disposed of within the county for a period of ten years be levied for its endowment.[62] With the ratification of the Constitution of the United States, interstate and foreign commerce passed under Federal jurisdiction.

Rum and, later, whiskey were two of the important articles in the trade with the Indians. The exchange of liquor for furs was one of the most lucrative businesses carried on between the two races.[63] The keen competition among white people for the profits of this traffic and their practices of cheating the Indians caused constant friction and often open warfare.

The social effects of rum and whiskey on the Indians were even worse

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and in time will be as good as any common Portuguese wines, and yet the vines are perfectly uncultivated." Andrews and Andrews, *op. cit.*, p. 175. Many of the contemporary writers commented on the wild grapes. Miss Schaw said: "Finer grapes cannot be cultivated than are to be found everywhere wild." William Byrd, in 1728: "The vines grew very rank and grew up almost every Saplin." *Colonial Records*, II, 792.

[57] *State Records*, XXIII, 117; see also Coralie Parker, *The History of Taxation in North Carolina during the Colonial Period*, p. 89.

[58] *State Records*, XXIII, 308; see also *ibid.*, pp. 332, 372; Parker, *op. cit.*, p. 91.

[59] *State Records*, XXIII, 665. This was a duty of two pence proclamation money for building the capitol at Newbern. The duty was laid for a period of two years.

[60] *Ibid.*, 392. The phrase "other purposes" refers particularly to schools; *ibid.*, XXV, 332, 362.

[61] *Ibid.*, XXIII, 680.

[62] *Colonial Records*, VIII, 490.

[63] *Ibid.*, I, 663-664; IV, 156; *State Records*, XXV, 10.

than the acknowledged war. Observers of that period saw the terrible havoc caused by its use, and they vividly recorded their observations. Writing of the Indians living along the North Carolina-Virginia boundary, William Byrd said that white people in the neighborhood had debauched their morals and ruined their health with rum, which was the cause of many disorders, including a barbarous murder committed by one of these Indians when he was drunk.[64] Brickell wrote that rum was then the chief drink among the Indians and that drunkenness was very common, adding, "They sometimes commit such brutalities and enormous vices as are not fit to be mentioned."[65] A foreign traveler, writing of the Catawba Indians, declared that drunkenness was causing "astonishing havoc and depopulation, which is indeed most alarming, grievous and awful, and truly painful for humanity to reflect upon."[66]

The Indian leaders were not insensible either to the cause of this disastrous traffic or to its results upon their people. Always striving to remedy both, at a general meeting of all the Indian kings and rulers in North Carolina called in 1703 by Governor Robert Daniel, they vigorously protested against the traffic. Subsequently, in answer to this protest, a law was enacted to regulate the sale of liquor among the Indians, but it was never effectively enforced.[67] At another conference with the Indians held in Salisbury, May 26, 1756, King Hagler of the Catawba tribe denounced unsparingly the practice of indiscriminate sale of whiskey.[68] In what has been called the first petition to the government of North Carolina for prohibition, he said:

"Brothers here is One thing you yourselves are to Blame very much in, That is You Rot Your grain in Tubs, out of which you take and make Strong Spirits You sell it to our young men and give it to them, many times; they get very drunk with it this is the Very Cause that they oftentimes Commit those Crimes that is offencive to You and us and all thro' the Effect of that Drink is also very bad for our people. For it Rots their guts and Causes our men to get very sick and many of our people has Lately Died by the Effects of that strong Drink, and I heartily wish you would do something to prevent Your People from Dareing to Sell or give them any of that Strong Drink, upon any Consideration whatever for that will be a great means of our being free from being accused of those Crimes

[64] Boyd, *op. cit.*, p. 310. Again he writes of the Sappori Nation: "Christana Fort Where the Indians Live, lies 3 Miles from George Hixes Plantation. He has considerable dealings with them, and supply them too plentifully with Rum, which kills more of them than the Northern Indians do, and causes much disorder amongst them"; *ibid.*, p. 311.

[65] Brickell, *op. cit.*, p. 292; see also John Lawson, *History of North Carolina*, pp. 214-215.

[66] John F. D. Smyth, *Tour of the United States*, II, 119.

[67] Brickell, *op. cit.*, p. 292; Lawson, *op. cit.*, pp. 214-215.

[68] *Colonial Records*, V, 581.

that is Committed by our young men and will prevent many abuses that is done by them thro' the Effects of that Strong Drink."[69]

Chief Justice Henley promised to recommend to the governor that steps be taken immediately to correct the abuses.

Several other half-hearted attempts were made to control the liquor traffic by requiring those who sold liquor to the Indians to have a license.[70] But the means of evasion were so easy and the illicit profits so large that the traffic was not controlled with any degree of success.

[69] *Ibid.*, V, 583; also p. 143.
[70] *State Records*, XXV, 356; XXIII, 2; XVI, 925.

CHAPTER II

THE ANTE-BELLUM TEMPERANCE MOVEMENT

The history of prohibition in North Carolina during the ante-bellum period was characterized by three general movements, each of which, in many respects, sustained and stimulated the others. The most important of these was the temperance movement which began about 1820, when laymen, preachers, and church groups, alarmed at the prevalent custom of drunkenness, lifted their voices in protest. Finding others with similar views and purposes, they organized associations, called temperance societies, pledging themselves to total or partial abstinence from intoxicating beverages. In the second movement, recognizing the associate evils of the liquor traffic, the government continued and strengthened the eighteenth-century license laws. The third phase, more strictly a prohibition movement, had for its purpose the restriction or abolition by law of the sale of liquor. Discussed in this chapter is the first movement.

The origin of the temperance movement must be sought in neither philosophic concepts nor theoretic reasons, but in social conditions, customs, and ideals of the ante-bellum period. Doubtless the folk ways then differed little from those of the colonial and revolutionary periods. As formerly, the custom of drinking liquor as a beverage was widespread; but this did not mean, as it had not meant during the preceding periods, that society generally was composed of drunkards. Many drank ardent spirits moderately and temperately as a food, and liquor was a part of "convivial hospitality." Youth drank, often to an excess, but here also public drunkenness was almost universally frowned upon and drunkenness among college students usually resulted in severe discipline for the transgressor.[1]

There is no way of knowing just how many people drank whiskey moderately or excessively. During the forties, Elder Mark Bennett, a Baptist missionary in the territory of the Kehukee association, said that in many of the churches half the number of white male members were "given daily to intoxication."[2] The reports in the yearly Meetings of the Quakers would seem to indicate that about one-fourth of their adult men were "not entirely clear of the destructive article."[3]

While statistics are generally lacking, there is no reason to doubt that in a population in which more than one-third of the adults were illiterate and the children were without public schools until 1840, drink-

[1] W. E. Drake, *Higher Education in North Carolina*, pp. 302-325.
[2] Livingston Johnson, *History of the North Carolina Baptist State Convention*, p. 45.
[3] *Minutes of the North Carolina Yearly Meeting of Friends, 1848*, p. 15.

ing and even drunkenness were common practices. On the other hand, except in one important particular, there is little evidence that drunkenness was any more prevalent then than formerly. This one exception was the growth of the practice of treating with whiskey during political campaigns, a practice that decidedly encouraged public drunkenness.

Neither do the statistics on distillation of liquors nor those on the number of licensed retail establishments throw much light on the problem of drunkenness and social customs. Regarding distillation for sale, corn whiskey almost exclusively was manufactured, although many farmers usually for home use operated, for a week or two during the year, small fruit stills to make brandy.[4] In 1810, as many as 1,386,691 gallons of corn whiskey were manufactured,[5] but in 1840 only 1,051,979 gallons were being produced in 2,802 establishments.[6] The falling off doubtless was caused partly by the growth of the temperance movement. In any case, a million gallons, if consumed at home, would indicate that the supply was ample for a lot of intemperance. Most of these stills were located in the piedmont, the section where the temperance societies were most numerous.[7] Because only the stills large enough to be listed as manufacturing establishments were included, the census reports give for our purpose a very inadequate picture of the amount of legal liquor.

The number of retail establishments does not give much of an index to the problems of drunkenness. In 1825, 376 places were retailing liquors, but the amount sold is not known.[8] By 1855, however, the number of licensed retail places or saloons had increased to 397, an increase of about

[4] Tench Coxe, *A Statement of the Arts and Manufacture of the United States of America for the Year 1810,* p. 134.

A. R. Newsome (ed.), "Twelve North Carolina Counties in 1810-1811." *North Carolina Historical Review,* vol. VI, 1929:

Liquor manufacturing was mentioned in the accounts of the following counties: Edgecombe (p. 85, January, 1929) had 159 distilleries, producing 39,000 gallons of peach and apple brandy, valued at 75 cents per gallon. Lenoir (p. 184, April, 1929), "There is one whiskey . . . some Brandy Stills." Moore (p. 285, July, 1929, footnote no. 10) had thirty distilleries producing 5,000 gallons of whiskey. Rockingham (p. 300, July, 1929, footnote no. 20) had 126 distilleries producing 30,900 gallons of whiskey. Surry (p. 304, July, 1929, footnote no. 13) had 117 distilleries producing 41,000 gallons of whiskey. Stokes (p. 304, July, 1929, footnote no. 13) had 98 distilleries producing 20,000 gallons of whiskey. Wayne (p. 306, July, 1929, footnote no. 11) in 1811 had 135 stills and produced 30,400 gallons of whiskey.

[5] *Loc. cit.*

[6] *Sixth United States Census, 1840. Compendium of the Enumeration of the Inhabitants of Statistics of the United States,* p. 182.

[7] *Idem; Senate Document,* 35 Cong. 2nd sess. no. 16, p. 47. This report is taken from U. S. Census for 1850; *Manufactures of the United States in 1860: Compiled from the Original Returns of the Eighth Census,* p. 437. In 1820 the census gave North Carolina only 328 stills, and 269 of these were located in Rowan County; see *Digest of Accounts of Manufacturing Establishments in the United States and Their Manufacturers,* p. 22.

[8] *Comptroller's Report, 1825. A Statement of the Revenue of North Carolina.* Figures are based on the amount of taxes paid by the sheriffs of the several counties for licenses to dealers of liquors who sold "by the small measure." The tax was $4 per license. Dividing the amount of revenue received by four gives the number of saloons that paid the license fee.

five and one-half per cent over a period of thirty years, a rate far below population increase.[9]

As might be expected, retail establishments were widely distributed, from Currituck to Buncombe, and from forty-six in New Hanover to none in fifteen counties. Generally speaking, the grog shops, as retail establishments were often called, were more densely located in the counties of the coastal plain, while counties with more distilleries did not have proportionately as many saloons. An examination of their location by counties reveals that there was actually a decrease during the ante-bellum period, except in a few counties, and that the numerical increase came from an extension of the population westward. Here also, as in distillation, the decrease was caused, in part at least, by the temperance crusade and by the increase of the license fee, which often drove out the small and unprofitable retailers.

In origin the temperance movement reached back many years, germinating in an awakened consciousness of the evils of public drunkenness, first aroused by the vivid but realistic preachings of the ministers of the more evangelical denominations which flourished among the common people. During the great revivals of the early nineteenth century, drunkenness became more and more regarded as an obstacle to the growth of the church and an object of attack by the preachers who saw in liquor the hand of Satan.[10] Clearly drunkenness caused so much suffering, misery, and unhappiness among church members in particular and among people in general that many ministers saw temperance as a prerequisite to God's plan of salvation.[11]

There can be no doubt that the return of the legal tippling house, known later as the saloon, in 1798, influenced the origin of the temperance movement and, later, prohibition. By special acts, towns were given the privilege of outlawing grog shops; but the rural areas, with their country liquor stores, were without redress. That many people were unwilling to bear silently the abuses of these "receptacles of vice" is eloquently borne out by the extent of the temperance movement and the clamor of its propagandists.

The origin of the temperance movement was closely connected with Jeffersonian and Jacksonian democracy.[12] Increased concern of the politician with the average man and his vote called forth a practice of treating with whiskey to obtain votes. To many people such a practice would undermine democratic government at its very foundation. A sober electorate, they said, was necessary if self-government was to survive.

[9] *Comptroller's Report, 1855.* Statistics were compiled from the tax derived from retailers of spirituous liquors; the tax was $20 for each establishment.

[10] For a thorough treatment of the revival meetings see Guion Griffis Johnson's *Ante-Bellum North Carolina,* pp. 371-409; John Allen Krout, *Origins of Prohibition,* pp. 102 ff, discussed the origins of prohibition within the churches.

[11] Krout, *loc. cit.*

[12] In ch. III the origins of the temperance movement will be more fully discussed.

During the second decade of the nineteenth century many newspapers began to print articles on intemperance, often copied from papers published in other states.[13]

These activities of preachers, newspapers, and individuals quickened the public conscience by calling attention to an evil long taken as a matter of course. Because of divisions and jealousies among the various church groups, they could not effectually stand together against general social practices. Of course, no political party at this time looked upon temperance as a political issue. There arose, consequently, a need for organization, and the temperance society was the result.

The Church Speaks

Ministers and church-going people started the temperance movement. Long before the first temperance society the crusade against intemperance was begun by preachers denouncing drunkenness, disorders, and general "cussedness," and praising sobriety, peace, and industry.[14] Not content with denunciation alone, as early as 1800 they sought and obtained at the hands of the legislature a statute which made it unlawful to sell or give away, on the church grounds, between ten and four o'clock, under penalty of five pounds, liquors to persons assembled for divine service.[15] In 1806, an amendment made intoxication at any church or place where people had assembled for worship a crime punishable by a fine of fifty shillings.[16] Three years later, the sale of liquors within one mile of the place of worship on days of preaching, taverns and stores excepted, was declared illegal, with a penalty of three pounds for violation.[17] These statutes did not repeal the act, passed a half-century before, which made drunkenness a crime punishable by a fine of fifty cents if on Sunday and if on any other day, twenty-five cents.[18]

The Baptist was among the most militant of the churches. As early as 1775, Elder James Reed was thundering against drunkenness and other "revellings."[19] With the formation of the Broad River Association in 1801, a "defensive" protest was made against the "demon of intemperance which was said to have held high carnival throughout the entire bounds

[13] *Catawba Journal* (Charlotte), August 2, 1825; December 12, 19, 1826; August 14, 1827; July 28, 1829. *Hillsborough Recorder,* October 18, 1820; August 22, 1821; October 9, 1822; March 12, July 30, 1823; June 15, 1825; March 26, April 9, July 23, 1828; November 11, 25, 1829. *Western Carolinian* (Salisbury), July 18, 25, August 1, 8, 15, September 5, November 14, December 5, 1820. *Free Press* (Tarborough), November 21, 1826; October 24, 1828; April 23, 1830.

[14] For a discussion of the origins of the movement in the United States, see Krout, *op. cit., passim.*

[15] *Laws of North Carolina,* 1800, ch. 24, p. 11.

[16] *Ibid.,* 1806, ch. 16, p 15. In 1807, the fine was fixed at two pounds ten shillings; *ibid.,* 1807, ch. 20, p. 12.

[17] *Ibid.,* 1809, ch. 21, p. 10.

[18] *Haywood's Manual of the Laws of North Carolina,* 1819, pp. 643-644; *Laws of North Carolina,* 1814, ch. 7, p. 15.

[19] Robert I. Devin, *History of Grassy Creek Church,* pp. 80-81.

of the body."[20] In the *Circular Letter* of that year, Elder Thomas Burgess exhorted the brothers to oppose "all unlawful appetites and refrain from shameful and outbreaking practices."[21] Other associations eagerly searched to find a means to stop disorderly conduct "which had long prevailed" at Association meetings, caused by the "selling of spirituous liquors by wicked and worthless persons, in consequence of which many were so unprincipled and wicked."[22]

Unwilling to rely upon denunciation alone, Baptist associations were foremost in demanding more effective legislation designed to prohibit treating voters with whiskey on election days. In 1817, the Sandy Creek Association petitioned the legislature as follows:

> Whereas, this association view with concern and regret, the custom existing among candidates for public posts of honor and profit, of distributing spirituous liquors among the people, in order to enhance their own popularity, and influence the suffrages of their fellow-citizens at elections: and whereas such a custom is both ruinous to the morals and happiness of the people, and dangerous to their civil rights and liberties.
>
> 1. *Resolved, unanimously,* That a person be appointed to prepare a memorial to be presented to the next ensuing General Assembly of the State of North Carolina, praying them to enact a law against this *degrading* evil.
>
> 2. *Resolved,* That it be recommended to the churches of this association to refuse their support to any candidate who shall either himself or by another person, distribute spirituous liquors with a view to conciliate the affections of the people.[23]

Ten years later the members of the Broad River Association resolved to withhold their support from any candidate for office who was found to be in the habit of treating with liquors to obtain votes.[24] The *Circular Letter,* prepared by Elder Gabriel Phillips, Moderator, was devoted to temperance.[25]

The Baptist State Convention took a forward position on temperance reform. In 1833, a few years after it was organized, the convention adopted a report, submitted by a committee on temperance, which declared that "immediate efforts be made to form Societies in all our churches and neighborhoods, and by example and every lawful means, to put a stop

[20] John R. Logan, *Broad River Baptist Association,* p. 9.

[21] *Loc. cit.*

[22] C. W. Beale (rev. and ext.), *Semple's History of the Rise and Progress of the Baptists in Virginia,* p. 132; see also C. B. Williams, *A History of the Baptists in North Carolina,* p. 66. Smith Ferguson of Western North Carolina "was a strong advocate of temperance, and sought to save the youths of Yadkin valley from king alcohol's cruel, cursing dominion."

[23] George W. Purefoy, *History of the Sandy Creek Baptist Association,* pp. 110-111; MS in Legislative Papers, 1817.

Sandy Creek Association represented 765 members. Flat River Association was in the northeastern part of the State. Purefoy, *op. cit.,* p. 143.

[24] Logan, *op. cit.,* p. 44.

[25] The resolution passed was very mild; it "advised all the members of the body to abstain from the habitual use of ardent spirits as a beverage"; *loc. cit.*

to the destructive practice of intemperance."[26] From this time every effort was made to encourage the organization of temperance societies.[27]

The attitude of the associations toward their members who drank, made, or sold liquors had soon to be formulated. Taking official notice of this problem in 1834, the Sandy Creek Association adopted a mild warning to its members, including an earnest request that the practices be discontinued.[28] Five years later a growing impatience with local churches that kept within their fellowship members who made, sold or used "in any way ardent spirits" was expressed when such churches were threatened with censure.[29] The problem of placing temperance within the church was not confined to any one association; others were having similar difficulties.[30]

The problem of enforcing personal temperance among church members was not made easier by the decline of the temperance societies after 1855.[31] Efforts to discipline churches for failure to expel members who made, bought, sold, or used liquors, caused serious complications. For the King's Mountain Association they "proved to be like a very explosive bomb-shell or disrupting fire-brand, almost causing apparent disruption of the very life of the association."[32] When three of the churches attempted to expel members for dealing in whiskey for profit, the issue divided their membership into hostile factions, ruinous both to community and church. At its next regular meeting the Association sent a special committee to investigate. It reported that at one of the churches the house was under the control of the temperance faction but that the anti-temperance forces held the church book, and that "although the keys with the house were in the possession of the Temperance part of the church, the Anties have fastened the door with three additional locks."[33] As a result of the quarrel, in 1861, five churches attempted to withdraw and to form a new association.[34]

In the Methodist church the protests against intemperance began years before the real crusade.[35] Bishop Francis Asbury, one of the most notable

[26] *Minutes of the Baptist State Convention,* 1833, p. 17. The members were cautioned to "be careful to avoid all arguments that will prejudice the minds of those that are taken captive by this snare of the devil."

[27] *Ibid.,* 1834, p. 19; 1837, p. 17.

[28] Purefoy, *op. cit.,* p. 160.

[29] *Ibid.,* p. 180.

[30] *Raleigh Baptist Association Minutes,* 1860; *Lewis Fork Baptist Association Minutes,* 1853, pp. 5-6, and 1858, p. 5; *Cape Fear Baptist Association Minutes,* 1856, p. 14. In the Baptist church at Wheeley's meeting house in Person County 501 cases of discipline were tried from 1791 to 1860, and of these 117 were for drunkenness. G. G. Johnson, *Ante-Bellum North Carolina,* pp. 450-451.

[31] Logan, *op. cit.,* p. 177. ". . . We are of the opinion that the church is the place to give the most effective check to the evils of intemperance."

[32] *King's Mountain Baptist Association Proceedings,* 1859, p. 177.

[33] *Ibid.,* 1861, p. 185.

[34] *Loc. cit.* The churches were Boiling Springs, Mount Sinai, Mount Pleasant, High Shoals, and Mount Paran.

[35] A. M. Chreitzberg, *Early Methodism in the Carolinas,* p. 33.

of these pioneers, frequently preached against the use of "strong drink."[36] Ministers were disciplined for drunkenness as early as 1817.[37] The Reverend James Jenkins made such vigorous denunciations of ardent spirits and drunkenness that whiskey was commonly called, wherever he preached, "Jenkins's devil."[38] Later, such men as Peter Doub, Moses Brook, John Tillet, and Brantley York led in the temperance reformation.[39]

The North Carolina Annual Conference of the Methodist Church was not so outspoken against intemperance as was the Baptist Convention, no mention of the movement being made in its minutes before the Civil War.[40] Many years before, in 1780, however, the General Conference, meeting in Baltimore, placed itself on record as disapproving the practice of distilling grain into liquor and as willing to "disown our friends who will not renounce the practice."[41] At the discretion of the local minister, voted the Conference in 1796, a member who used or sold liquors might be censured or suspended.[42] Years later, in 1856, the *North Carolina Christian Advocate,* with approval, printed an item on "Liquor in the Church," copied from the *Memphis Christian Advocate,* which said that the Methodist Church was a total abstinence temperance society and that "Her General Rules forbid drinking of spirituous liquors, unless in case of *necessity.*" Then the article reproachfully concluded: "The word necessity, we fear, had by many been interpreted to allow too great a latitude of meaning."[43]

Despite the paucity of recorded temperance agitation in the North Carolina Conference, local circuits were often the centers of the move-

[36] *Ibid.,* p. 56; see also *Journal of the Reverend Francis Asbury,* II, 248; H. A. Scomp, *King Alcohol in the Realm of King Cotton,* pp. 217-218; W. L. Grissom, *History of Methodism in North Carolina,* I, 284; *Minutes of the Annual Conference of the Methodist Episcopal Church,* 1773-1828, I, 12.

[37] Chreitzberg, *op. cit.,* p. 111. Many of the preachers saw no harm in drinking moderately. "So suspicious were the times concerning Methodist preachers, he watched him closely to see if he loved liquor," p. 168; James Jenkins, *Experiences, Labors, and Sufferings,* p. 164: "A local preacher of high standing had been drinking ardent spirits, and inducing others to drink at a *public treat";* see also p. 149.

[38] Jenkins, *op. cit.,* p. 173.

[39] Boyd (ed.), *Historical Papers of the North Carolina Conference Historical Society,* p. 148. For further references see: Brantley York, *Autobiography,* pp. 36, 117; Rev. L. S. Burkhead, *Centennial of Methodism in North Carolina,* 1876, p. 261; *North Carolina Journal,* July 15, 1805: "It is expected that all friends of religion and good order will discountenance the vending or retailing of spirituous liquors . . . during the meeting of the week of preaching, commonly called camp meeting, as such must be construed into a breach of good manners, as also an open violation of the established laws of the country." This appeared as an advertisement of a camp meeting near Halifax.

[40] *Minutes of the North Carolina Conference,* 1820-1860; see also *Hillsborough Recorder,* November 23, 1853, regarding the General Conference and the question of state prohibition.

[41] *Minutes of the Annual Conference of the Methodist Episcopal Church,* 1773-1828, I, 12.

[42] Krout, *op. cit.,* p. 67.

[43] April 11, 1856.

ment. In 1829, the Salisbury Circuit Quarterly Conference adopted the following resolution written by the Reverend Peter Doub:

> Resolved, that inasmuch as it is the duty of those who labor among us in the ministry, whether traveling or local, to warn their congregations against the debasing and sinful practice of intoxication; therefore we, the members of this quarterly conference, pledge to use our influence to banish the use of distilled spirits, except in the case of necessity or when prescribed by a physician of skill and probity. We deem it also proper and therefore recommend to our brethren that they should as a body, one and all, refuse to partake of any treat given by candidates, whether such treat be given on the ground at the time of election or afterwards.
>
> We further pledge ourselves, that all other things being equal, we will support, and severally recommend it to others to support, those for public office, who entirely abandon the practice of treating, in preference to those who continue the practice.[44]

The Friends or Quakers were actively engaged in promoting temperance among their members by close supervision and among the public at large by promoting temperance societies. In the Yearly Meeting, beginning in the forties, a report was required of their members who drank ardent spirits as a beverage.[45] Out of an adult membership of 1987, in 1848, there were 200 "not entirely clear of the destructive article," with thirty-seven "not inquired of."[46] By 1860, with a membership reduced to 1361, only eighty-one used whiskey as a beverage, although seventy-one were "not inquired of."[47] As one of the first temperance societies in North Carolina was organized in Guilford County, a center of Quakerism, doubtless it was started by Quakers.[48] Because of limited membership, their influence was confined chiefly to a few counties.

The Presbyterian church gave encouragement to the movement through the organization of temperance societies, and in this way, during the early years of the crusade, was one of the most effective agencies for the promotion of temperance. As early as 1815 the Synod, meeting at Fayetteville, in an address to its churches, urged them to organize "Moral Associations for the suppression of Vice and Immorality."[49] Wishing to end a custom of long standing, it asked that the use of liquors at funerals be discontinued. In 1830 ministers were advised to read publicly resolutions on temperance prepared by the General Assembly of the church.[50] In a narrative of religious conditions in North Carolina for the year 1849, the

[44] Boyd, *op. cit.*, p. 148. Taken from an address by Reverend William Sherrill, October 19, 1921, on "Methodism in Davie County."

[45] *Minutes of the North Carolina Yearly Meeting of Friends*, 1845, p. 16. It was decided in this meeting to have a report next year; see also Stephen B. Weeks, *Southern Quakers and Slavery*, p. 298.

[46] *Minutes*, 1848, p. 15. For 1847 they reported 245 members using whiskey.

[47] *Ibid.*, 1860, p. 7.

[48] *Hillsborough Recorder*, October 12, 1822.

[49] *Star*, September 1, 1815.

[50] *Orange Presbytery Minutes*, 1830, p. 44.

only mention of temperance was the comment that its cause was "in some places advancing, in others still. Intemperance with its multiplied train of evils abounds."[51] Approaching the Civil War, the official attiude of the church became even more conservative. Although still regarding intemperance as a deadly evil, the Synod, in 1856, becoming indifferent to temperance societies, said that the "only adequate remedy is to be found in the truth of the Gospel and the administration of discipline."[52]

The Reformed church at the meeting of the North Carolina Classis, in 1839, declared that "the cause of intemperance, like the sun in the days of Joshua, stands still, if it has not actually gone back on the dial. Alcohol, the most powerful and subtle of hell's agents, still continues to pour into the community a long, deep and winding stream of woe, degradation and death."[53] In 1858, the Classis determined upon more direct action by agreeing "that the making or distillation for the purpose of indiscriminate sale of intoxicating liquors, its use as a beverage, the practice of giving it to hands invited to log-rollings, huskings, raisings, etc., is immoral in its tendencies and justifies the exercise of discipline."[54]

The denomination most friendly to prohibition was the North Carolina Synod of the Lutheran church. Like the other churches during the thirties, it promoted the organization of temperance societies in all its congregations.[55] Denouncing the sale of liquor, a resolution adopted in 1837 declared that "this Synod disapproves *Decidedly* of the practice of the church members of our church, who are in the habit of carrying about to, and retailing intoxicating liquors at public places."[56] At Bethel Church, Stanley County, May 5, 1854, the Synod adopted a prohibition resolution in favor of the Maine Liquor Law, the first by a state religious body. The resolution was as follows:

> Whereas, intemperance is a great evil, seriously retarding the progress of Christ's Kingdom, and bringing incalculable evils on Society, and whereas every Christian must rejoice at the success of any proper efforts for its removal, therefore,
>
> Resolved, That this General Assembly views with great pleasure thus far attending the efforts for the removal of intemperance by the introduction of the Maine Liquor Law, and would be glad to see our ministers co-operating with others in extending its principles throughout our land.[57]

At the next session, the Synod resolved that "the manufacture of, and traffic in the use of" whiskey as a beverage was inconsistent with Christian

[51] *Minutes of the Synod of North Carolina,* 1849, p. 23.
[52] *Ibid.,* 1856, pp. 17-18.
[53] J. C. Leonard, *History of the Southern Synod of the Evangelical and Reformed Church,* p. 47.
[54] *Idem.;* see also *Reformed Church Standards,* June 15, 1931: "The Century's Earnest Preaching of the Word," by Rev. W. C. Lyerly.
[55] *Minutes of the North Carolina Synod of the Evangelical Lutheran Church,* 1837, p. 12; *ibid.,* 1840, p. 13.
[56] *Ibid.,* 1837, p. 12.
[57] *Ibid.,* 1854, p. 9.

character and recommended that "no member of our church should be indulged in the manufacture, traffic, or intemperate use of intoxicating liquor," and urged all their preachers to coöperate in suppressing the great evil of public drunkenness.[58]

Two influential denominations, as institutions, were openly unfriendly to temperance organizations. The Primitive Baptist, generally speaking, gave temperance very little encouragement. Yet individual ministers and local churches, in places, were outspoken in their condemnation of public drunkenness.[59] The Episcopal church, likewise, took a conservative stand toward temperance agitation. When the Reverend Jarvis Buston criticized the work of Phillip S. White, noted temperance lecturer, the *Carolina Watchman,* of Salisbury, said: "His own church where it has spoken against the Temperance reformation at all, has taken the same ground all the time, viz: That the church is sufficient to effect all the reformation that can be effected in the lives of sinful man—that there is no sin in the moderate use of wines and spirituous liquors."[60] In the proceedings of the Diocese no mention of temperance seems to have been recorded.[61] Nevertheless, ministers and members of the Episcopal church joined the temperance societies and gave them wholehearted support.

Temperance Societies

At the beginning the temperance society was the temperance movement. Fundamentally it was the product of a period in which the ultra-individualism of men like Nathaniel Macon and others was being attacked by men like Archibald D. Murphey, who believed that individual action should be supported by group action and that the government should build roads, dig canals, and operate a public school system. At this time very few of the reformers believed in the principle of prohibition. Therefore the temperance society was a compromise or transition institution from the old to the new theory regarding the proper function of organized society in the control of intoxicating beverages. The individual, so the reformers believed, should be persuaded, not by force but by moral suasion, to refrain from drinking. The temperance people, having persuaded the drunkard, were duty bound to lend him a hand to sustain him in his willingness to reform. By "converting" the habitual drunkard to abstinence he would not only be "saved" but his influence upon others, especially the young people, would be for good; and crime, vice, and immorality would be lessened. Frankly and without apology the temperance leaders were engaged in an effort to reform society, and they always regarded themselves as propagandists seeking a reformation in the habits and thinking of people.

[58] *Ibid.,* 1855, p. 23.
[59] *The Primitive Baptist,* July 10, September 11, 1841; October 22, 1842; June 5, September 4, 1847.
[60] May 22, 1851.
[61] *Journal of the Convention of the Diocese of North Carolina,* 1817-1860.

The temperance societies were usually composed, therefore, of men and women who did not have the habit of drinking liquor as a beverage. The constitution adopted included a provision that each member pledge upon his honor to refrain from drinking. The pledges varied.[62] In some all forms of liquor, including wines and cider, were prohibited; in others, a moderate use of even whiskey was permitted.

In addition to temperance propaganda, the societies frequently served as the poor man's lodge. Meetings were generally open to the public, and the programs often took the form of debating societies; but more often a preacher and not infrequently a judge, lawyer, or teacher was invited to address the group on the subject of temperance. Observing the success of the Whigs in the political campaign of 1840, with the use of parades, rallies, and picnics, the reformers in many places adopted these forms of "campaigning." During the forties the Fourth of July was often an occasion for a big temperance rally, including speeches, games for young and old, parades of temperance workers dressed in showy uniforms, and picnic dinner when water was drunk with appropriate toasts to the "cold water army."[63] While the effectiveness of the society depended upon the enthusiasm of its members, there is ample proof that many of the members were deeply in earnest. Often when a member broke the pledge, a committee was promptly appointed to inquire into the circumstance of the violation, and if the recalcitrant member did not forthwith declare his error and ask the forgiveness of the society, he was summarily dismissed from their fellowship.[64]

The societies kept but few records, and they are now, generally, long since lost. The records of the loosely organized and not very effective State Temperance Society were never complete. Having their greatest following among the inarticulate masses, the societies were often without members accustomed to keeping records.

American Temperance Society

Years before the organization in 1826 of the American Temperance Society in Boston there were societies in North Carolina.[65] Just where and when in this State the first society was organized is not clear. In

[62] At the beginning the pledge was less strict.

[63] MSS Minutes of Pleasant Hill Temperance Society, July 4, 1838-1853; *Western Carolinian,* July 11, 1835, July 6, 1838; *North Carolina Standard,* November 10, 24, 1841, November 23, 1843, July 21 ,1847, October 23, 1850; *Hillsborough Recorder,* November 17, 1842, June 19, 1845, July 9, 1846; *Tri-Weekly Commercial,* June 10, 1853; *Tarborough Southerner,* April 24, 1852, December 17, 1853; *Carolina Watchman,* May 11, 1848; *Raleigh Star and North Carolina Gazette,* October 24, 1849.

[64] MSS Minutes of Pleasant Hill Temperance Society, *passim.*

[65] The rise of temperance societies in other states had little or no causal relation to their beginning in North Carolina. Krout said: "There had been no causal relation between the temperance organizations of New England and New York and the beginning of reform in states of the seaboard south. . . ." *Origins of Prohibition,* pp. 130-131; Again: "The fact that Temperance groups in different parts of the country did not owe their existence to a common source caused many to fear for the unity and harmony of the movement." *Ibid.,* p. 131.

1815 the Synod of the Presbyterian church, meeting in Fayetteville, urged the organization of "Moral Associations for the Suppression of Vice and Immorality."[66] Acting upon this request, Dr. James Hall asked his presbytery to appoint a committee to write a constitution for such an association. Not being content with local action, he called at Center Church in Iredell County a state-wide meeting to organize a state unit and to encourage formation of auxiliary societies.[67] Despite his enthusiasm, and after organizing a few associations among Presbyterian congregations, Dr. Hall found that his movement was premature.

In 1820 a group of citizens of Salisbury organized "The Club,"[68] which soon launched in the columns of the *Western Carolinian* a broadside attack on the morals of that town and on the habitual drunkard in particular.[69] Attacking those who drank to excess and calling for united action, The Club declared, "if they will not listen to the warning voice, and will still hurry on to ruin, it becomes the real citizens of the place—to produce a reformation: Let such as these unite in discountenancing all excess of the kind."[70] Pointing to the dreadful effects of liquor, The Club charged that during the past seven years most of the deaths in Salisbury were caused by the intemperate use of ardent spirits.[71] These attacks aroused such a storm of protest that the publication of the articles was, after a few months, discontinued.[72] At about the same time a correspondent in the *Raleigh Register* was, likewise, suggesting that united action be taken to arrest the ravages of intemperance.[73]

By 1822, temperance societies were being organized. That year a number of inhabitants of Guilford County organized a "society for the suppression of intemperance occasioned by immoderate use of spirituous liquors," adopted a constitution, and appointed Hance McCain chairman of a corresponding committee.[74] Using an advertisement in the *Hillsborough*

[66] *Star,* September 1, 1815.
[67] *Raleigh Register,* November 3, 1815; G. G. Johnson, *op. cit.,* p. 455.
[68] *Western Carolinian,* July 18, 1820.
[69] *Ibid.,* July 25, August 1, 1820.
[70] *Ibid.,* July 25, 1820.
[71] *Ibid.,* August 1, 1820.
[72] One correspondent, signing his name as "Whip," charged that Club No. 2 had made the town too intolerable for endurance; *ibid.,* August 8, 1820. The editor commented: "As the members of The Club are now discontinued, we hope we shall no more be troubled with what are termed *replies* to them. . . . It will be totally useless for any one to write any more replications or refutations . . . we shall not publish them." *Ibid.,* August 15, 1820.

But The Club was not without support. Another correspondent said: "I see some well-meaning persons are making an attempt to expose the debasing effects of intemperate drinking. I am glad to see it; and every friend of morality, religion, and good order, must wish success to the undertaking. But, sirs, this disgraceful practice does not alone exist in your town: You may see it in every part of the country . . . at our company musters . . . at our tax-gatherings . . . at the law days: and, in short, look where you will, and the signs of this 'crying sin' show themselves." *Ibid.,* August 1, 1820.
[73] *Raleigh Register,* September 17, 1819; G. G. Johnson, *op. cit.,* p. 169.
[74] *Hillsborough Recorder,* October 12, 1822.

Recorder, the committee invited the friends of morality in the neighboring counties to consider the "lamentable as well as the progressive effects of intemperance," and requested "them to use their influence to form similar societies," adding that a copy of their constitution would be furnished upon application.

Four years later, in 1826, within the bounds of the Presbytery of Orange, "a society which had among its members several eminent divines, and some of the most respectable gentlemen in the State," was organized for the suppression of intemperance.[75] Not being content only to pledge its members to total abstinence, "unless when needful for health," a Board of Managers laid plans to ask the courts and grand juries to be more "strict and sparing of licenses for the retailing of ardent spirits; and also of more rigidly enforcing the laws against drunkenness." In a circular letter addressed to the different denominations and influential individuals throughout the country, the managers earnestly solicited their "cooperation in promoting the great objects of this society." For the "best Tract on Temperance, suited to the conditions of our southern country," the managers offered a "premium" of $50.[76]

The founding in 1826 of the American Temperance Society in Boston gave an impetus to the temperance crusade everywhere,[77] and by 1828 two societies in North Carolina were affiliated with it.[78] Four years later thirty-one societies, distributed widely but with a majority located in the general region of Fayetteville, were auxiliaries of the national organization.[79] Although direct connection with it soon stopped, probably as a result of the founding in Boston of the American Antislavery Society, temperance literature from New England continued to flow into the state.[80]

The number of societies affiliated with the national order cannot be taken as a true picture of the extent of the movement in this state, for a majority of the societies in the United States as a whole never joined the American Temperance Society.[81] In 1826, but in no way connected with the Boston movement, Abner Clopton, an influential Baptist preacher in southern Virginia, began to organize temperance societies, which from there spread into North Carolina.[82]

[75] *Free Press*, November 21, 1826.

[76] Reverend Joseph Caldwell, Professor Elisha Mitchell, and Honorable Fred Nash were named to judge the papers and award the premium.

[77] Krout, *op. cit.*, p. 131; see also p. 72; *Permanent Temperance Documents of the American Temperance Society*, p. 11; D. L. Colvin, *Prohibition in the United States*, p. 15.

[78] *Permanent Temperance Documents of the American Temperance Society*, p. 23.

[79] *Ibid.*, p. 28. This is the last year for which statistics were given for North Carolina. Krout, *op. cit.*, p. 130.

[80] Krout, *op. cit.*, p. 131; MSS Minutes of the Pleasant Hill Temperance Society, February 24, 1838, March 9, July 4, 1839.

[81] Krout, *op. cit.*, p. 127.

[82] Jeremiah B. Jeter, *A Memoir of Abner W. Clopton*, pp. 171, 192. The fact that Virginia had 113 societies to North Carolina's 31 in 1830 was attributed to his efforts; see *Permanent Temperance Documents*, p. 38; Krout, *op. cit.*, p. 131.

Typical of an auxiliary of the American Temperance Society was the Orange County Temperance Society, organized in Hillsborough, September 19, 1829.[83] "We the undersigned," ran the preamble of a constitution of six short articles, "viewing with deep concern the enormous evil spread throughout our land by intemperance think it is high time for all good men and good patriots—to . . . coöperate . . . to check, if not possible to exterminate the evil in question." Example and fashion, it was said, were encouraging and spreading the evil "by making the use of ardent spirits a common part of the rules of hospitality and of convivial board,"[84] and by fostering unintentionally and unconsciously among the virtuous part of society the evil of moderate indulgence. They concluded: "We think that this single vice is the cause of more complicated, extensive, and irreparable mischief than all the other vices."[85]

After stating that the society was an auxiliary of the national order, the constitution, in article three, pledged the members not to use (except as a medicine), distill, buy, or sell ardent spirits as a source of gain. The officers of the society were a president, vice-president, secretary and treasurer, and an executive committee, composed of fifteen members, all elected annually. Special meetings could be called by the executive committee, but a general meeting was to be held annually. The constitution could be amended by a vote of a third of the members present.[86]

Commenting upon the establishment of this society, the editor of the *Hillsborough Recorder* wrote: "It is all important to the prosperity and happiness of a community that temperance should be observed. . . . Intemperance stalks abroad and spreads around its baneful influence. . . . These things deserve our serious attention—may they receive it!"[87]

At about the same time and in the same section, the Hawfield and Cross Road Temperance Society experienced successful growth.[88] Organized with only twenty-five charter members, the society grew rapidly, enrolling 180 within a year and 460 within five years, of whom 437 were in good standing in 1834.[89] During this period its influence was widely felt. More than ten distilleries were stopped; two merchants gave up the selling of spirits; the practice of candidates for office treating with whiskey was discontinued; and a reformation regarding intemperance in the county generally was manifested.[90]

In almost all parts of the state societies were being organized.[91] The

[83] *Hillsborough Recorder,* September 23, 1829.
[84] *Idem.*
[85] *Idem.*
[86] *Idem.*
[87] *Idem.*
[88] *Ibid.,* July 23, 1834. "The first effort in this section of the county to form a temperance society, in opposition to the use of ardent spirits as a common drink was made on the 5th of September, 1829."
[89] *Idem.:* Of these 460 members, nine had died, eleven moved, and three withdrawn.
[90] *Idem.*
[91] *North Carolina Standard,* April 26, 1837; *Hillsborough Recorder,* March 2, 1831, July 23, August 6, 1834; MSS Minutes of the Pleasant Hill Temperance Society, *passim;* B. York, *Autobiography,* p. 36.

first temperance society in the extreme western part of North Carolina was organized in Asheville, April, 1831, and its "progress was far more rapid than the calculations of its warmest friends . . . forty subscribed in one day."[92] Progress was made despite opposition from a church, for it was "a notorious fact" that a "numerous denomination" was "generally hostile to temperance societies." One of its ministers joined the society, but quickly withdrew, and a member, having been threatened with dismissal from the church, likewise withdrew.[93]

One of the noteworthy early societies was the Pleasant Hill Temperance Society. Organized about 1833 by the Reverend William Curry, a member of the Hawfield Temperance Society of Orange County, it had a continuous existence for more than three-quarters of a century. During all this time this group, unlike others, kept a careful record of its minutes, including a list of members.[94]

The enthusiasm of the reformers during the first years of the movement led them to expect a complete, if not easy victory. James Thomas, missionary for the Baptist State Conference, in 1834, glowingly wrote: "Temperance now exerts a wonderful influence. . . . In many parts of the State where thousands of gallons of ardent spirits were once made and used, there now abounds a spirit of sobriety. The east end of the State, so far as I can judge, now suffers most from the ravages of this common enemy. . . . I have found but two villages west of Roanoke, that have not a temperance society."[95] Some of his enthusiasm cooled, and two years later he admitted that without doubt the cause of temperance was "on the retrograde: many who once put their hands to the plow have now looked back."[96]

The need for a central organization led to the formation of a North Carolina Temperance Society. In 1828, at Hopewell Academy, located near Stantonburg, a society was organized that euphemistically called itself a state society, but it was that in name only.[97] Attempts were again made to start such an order in 1828, but it was not until 1831 that a North Carolina Temperance Society was established in Raleigh.[98] In organization it was similar to the local societies, with a president, vice-president, and secretary and treasurer who did most of the work. A group of about forty men, called managers, living in different parts of the state, elected the officers and directed its general policies.[99]

[92] J. M. D. Hardy, "Second Annual Address Delivered before the Asheville Temperance Society on the 4th of July, 1832." Hardy was president of the Society. *First Annual Report of Executive Committee*, p. 9.
[93] *Ibid.*, p. 10.
[94] MSS Minutes of the Pleasant Hill Temperance Society; *Hillsborough Recorder*, July 23, 1834.
[95] *Minutes of the Baptist State Convention*, 1834, quoted in G. G. Johnson, *op. cit.*, p. 456.
[96] *Ibid.*, 1836, p. 12.
[97] *Star*, January 31, 1828.
[98] MSS Minutes of the Pleasant Hill Temperance Society, February 28, 1835.
[99] MSS Minutes of the Pleasant Hill Temperance Society, April, 1834. There

Determining upon an aggressive policy, the managers employed for three months the Reverend Thomas P. Hunt, a Presbyterian preacher, to organize auxiliaries and to raise funds. Through his two-fisted efforts in the southeastern part of the state more than four hundred people signed the abstinence pledge, and a number of societies were started.[100] Relating his connections with this movement, after spending most of his life as a temperance worker and lecturer, he wrote: "At the first efforts to organize a temperance society in Raleigh, we could not get a sufficient number to fill the offices. Indifference, hesitation, opposition, and ridicule met us on every hand. . . . Three months effort in raising funds, found me three dollars and fifty cents over expenses."[101]

Despite the efforts to unify the work, the State Temperance Society remained without more than cursory knowledge of the many local units. In 1833, William Peck, state secretary, complained that although the constitution required of him an annual report, he was without information because "friends of the cause" did not answer his circular letter in which he asked county and local societies to file reports.[102] "It was a matter of real regret. . . ," he said, that "we, with our thousands of members, are ourselves so much in the dark." As a result of an appeal in the newspapers for statistics, he reported, in 1834, about 4,700 members, distributed among 51 societies, located in 27 counties.[103] Notwithstanding earnest efforts, he admitted his report was incomplete. In 1835 a Southern Temperance Convention was held at Fayetteville, but only about twenty-five delegates attended.[104]

More effective temperance work was done by the county units, located in the piedmont, than by the state society.[105] In 1839 a temperance convention for Western North Carolina, with delegates from Rowan, Cabarrus, Davie, Iredell, and Davidson counties, met at Salisbury.[106] At that time the 21 represented societies had 3,599 white and 240 colored

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were from Fayetteville six members on this committee, from Raleigh ten, from Hillsborough five, including James Osborne, Judge Nash, Wm. A. Brugham, Dr. James Webb, and William Huntington. Other members from Orange County: Rev. John Giles, Giles Mebane, James Phillips, Rev. W. Hooper, Dr. J. Caldwell, Rev. E. Mitchell, and John Newton.

[100] *Raleigh Register,* March 3, 1831.

[101] Quoted in G. G. Johnson, *op. cit.,* p. 170.

[102] *Raleigh Register and North Carolina Gazette,* August 27, 1833.

[103] MSS Minutes of the Pleasant Hill Temperance Society, July 4, 1839.

[104] *Western Carolinian,* November 14, 1835; MSS Minutes of the Pleasant Hill Temperance Society, September 27, 1835.

[105] *Western Carolinian,* July 11, 1835.

[106] *Carolina Watchman,* November 15, 1839; *Western Carolinian,* November 15, 1839. Both of these papers carried the minutes of the convention. An analysis of the delegates, showing their status in life, is interesting (only sixteen societies reported in detail): Rowan County, with five societies and twenty-one delegates, sent five preachers, one doctor, one colonel; Cabarrus, six societies, twenty delegates, sent three preachers, three doctors, one major, one senator, one squire, one colonel, one general; Davie, one society, two delegates; Davidson, two societies, two delegates, two preachers. Summary: eleven delegates were preachers, or 1/5; seven delegates were doctors; about twenty delegates were professional men.

members, or a total of 3,839; the largest society was Rocky River Society in Cabarrus County, with 400 white and 150 colored members. Although the exact number of delegates in attendance was not reported, the *Western Carolinian* said that the convention was "composed of a highly respectable and numerous delegation."[107] Seemingly the delegates were pleased with their accomplishments, reporting that in "some neighborhoods" distilling had been stopped, and in two-thirds of the societies heard from "the cause" was advancing; only in one neighborhood was temperance not advancing.[108]

Washingtonians

The Presidential election of 1840, with its pageantry, buffoonery, and hard-cider, for a time seriously retarded the temperance reformation. This reaction, however, was soon followed by the Washingtonian movement, one of the most spectacular of all the temperance crusades, being started at Baltimore in a tavern where six drunkards were accustomed to spend their evenings drinking liquor.[109] One evening a member of this group, as a practical joke, attended a temperance lecture. The sobering effect of the cold night air and the impassioned appeals of the temperance lecturer so bestirred him that he was at once "converted." Returning to his friends, he converted them with his enthusiasm, and they straightway founded a temperance society, called Washingtonian for Washington's birthday.

Any one might join the society by signing a total abstinence pledge and promising to refrain from drinking any intoxicating beverage, but it was primarily intended for the "reformed drunkards." Moral suasion was the weapon used to obtain members. No other temperance movement ever inspired so much confidence in its ultimate success; no other ever received such widespread support, nor encountered so little opposition; the press encouraged the work, the pulpit and the rostrum favored it, and drunkards by the thousands allied themselves with it.[110]

Invited by the languishing Raleigh City Temperance Society to address a convention in that city, John F. Carey, one of the founders, in 1841, introduced the Washingtonian movement in North Carolina.[111] At the close

[107] *Western Carolinian,* November 15, 1839.
[108] *Carolina Watchman,* November 15, 1839.
[109] H. A. Scomp, *King Alcohol in the Realm of King Cotton,* p. 355.
[110] *Hillsborough Recorder,* November 17, 1842; Scomp, *op. cit.,* p. 386.
[111] *North Carolina Standard,* November 10, 1841.

"When the thought was first suggested of calling this Convention, in the Raleigh City Temperance Society, it was done with fear and trembling. From the known apathy on the subject of Temperance that exists in all this region of country, and general state of luke-warmness, not to say coldness, that prevailed throughout the State, as far as could be ascertained, the most anxious solicitude to the meeting and the results of the meeting of this Convention were entertained. And when the proposition was made in the Temperance Society of this City to invite a delegate from the Washington Society of Baltimore to be present on this occasion, the measure was acted upon with hesitation and faint heartedness. . . . Anxieties have been dispelled." *Raleigh Register* quoted in *Hillsborough Recorder,* November 11, 1841.

of his speech, the Raleigh society reorganized according to the Washingtonian principles. As a result of a series of lectures in different parts of the state, many of the old and often moribund societies were rejuvenated.[112] During the next year, the movement gathered momentum, reaching high tide by the end of 1842. At the annual meeting of the State Temperance Society, held in Raleigh, December, 1842, with 115 delegates present, the secretary estimated from the partial returns of the 13 societies, which had enrolled between 7,000 and 8,000 members, "that 70,000 or 80,000 persons had enlisted in the Temperance Cause in North Carolina."[113]

The Washingtonian societies here did not have a very distinct existence from those already established. After the crest of the first wave of enthusiasm had passed, most of them continued to operate along lines of their former accepted principles; sometimes they were referred to as Washington societies and at other times not.[114]

Sons of Temperance

The Sons of Temperance, founded in New York, in 1842, for the purpose of trying to make permanent some of the work of the Washingtonians, was introduced into North Carolina in 1843.[115] In form of organization it was hierarchical, with the final authority vested in a National Division which derived its authority from State Grand Divisions. A State Grand Division was composed of at least three local divisions. In addition to being a temperance order with the total abstinence pledge of the former society, it was a beneficent association. Each member was charged a small fee of not less than five cents per week, a sum "so small as to debar no man in the community from the benefit of membership."[116] In case of sickness, a member drew one dollar per week from the treasury, and in case of death, fifteen dollars were paid toward his funeral expenses. If a wife or brother died, ten dollars were paid for funeral expenses.

Two principles of the order, however, lessened its popularity in North Carolina. Although its constitution and principles were published, it was recognized as a secret organization, having signs, grips, and symbols.

[112] *Hillsborough Recorder,* November 18, 1841; *Western Carolinian,* April 15, 1842; *North Carolina Standard,* December 1, 1841.

[113] *North Carolina Standard,* January 4, 1843.

[114] *Carolina Watchman,* June 24, 1843; *Hillsborough Recorder,* November 17, 1842; *North Carolina Standard,* January 4, 1843.

[115] *North Carolina Standard,* May 6, 1846; see also Scomp, *op. cit.,* p. 412: "In April, 1843, Order established in North Carolina. This came as request from M. John Zeigenfuss of Raleigh." It should be noted that this order came into North Carolina also by invitation; see also *North Carolina Standard,* March 5, 1845.

[116] Prof. Charles F. Deems, *Address Delivered before the Grand Division of the Order of the Sons of Temperance of North Carolina in the Presbyterian Church, Raleigh,* 1847; see also *Hillsborough Recorder,* September 19, 26, 1849; *Proceedings of the Grand Division of North Carolina Sons of Temperance,* April and October sessions, 1851, pp. 57-78.

Many church members who might otherwise have joined had strong religious scruples and prejudices against secret orders, and they remained without the organization. Its democratic practices also proved, among many groups, an obstacle to growth. Commenting upon its democratic practices, the *North Carolina Standard* pointed out that the "payments are not placed upon the basis of grants or charity—every Brother, be he rich or poor, obliges himself, at his initiation into the Order, to receive them (benefits). Equality, Love, Purity, and Fidelity, are the mottoes and foundation of the Order."[117] Its strongest appeal, consequently, was made to the poorer classes who were unaccustomed to leadership.

For the first 5 years the progress of the order here was slow, having only 4 divisions with but 139 contributing members in 1846. Coöperating, these divisions on July 21, 1846, sent delegates to Raleigh, to organize a Grand Division of North Carolina.[118] Two years later, 13 divisions reported a paying membership of only 428, but the following year 44 divisions reported 1492 members.[119] In 1851, the order employed Phillip S. White, one of the most successful of the many national temperance lecturers of the period, to tour the state. As a result of his speeches, more than 10,344 people, in 287 divisions, joined the Sons of Temperance.[120] Because 46 divisions failed to report, the secretary estimated the total membership to be about 12,000, the high tide of the order.

By the end of 1852 decline had set in, and only 9,844 members were enrolled. Having endorsed state prohibition and having officially led the movement, the order suffered from internal dissention. One member reproachfully exclaimed that the "anticipation of some vigorous action had the tendency to drive from us some who were not made of the 'stuff' which endures in severe conflict."[121] Despite efforts to allay passions aroused by the controversy over state prohibition, the society declined rapidly; many local divisions, as well as individual members, openly repudiated the State Grand Division. In Edgecombe County "it was avowed that the Edgecombe Division, No. 202, Sons of Temperance Society declare their determination not to submit to law either of the National or Grand Division, whereby the advocacy of any law similar to the Maine Liquor Law, or any legislation whatever on the subject, made a part of their creed."[122]

[117] *North Carolina Standard,* March 5, 1845.

[118] E. Mitchell, *The Cause in North Carolina;* see also *Carolina Watchman,* June 7, 1849.

[119] *Proceedings of the North Carolina Division of the Sons of Temperance,* 1851, p. 53.

[120] *Ibid.,* pp. 26, 53; see also Mitchell, *op. cit., passim.*

Many of the divisions were incorporated, the first being the Concord No. 1, of Raleigh; *Laws of North Carolina,* 1849, ch. clxiii, p. 307. At the next session of the legislature, twenty-three were incorporated, together with the Grand Division; *ibid.,* 1850-1851, ch. cclxxix to cccciii, pp. 651 to 672; see also *Proceedings of the North Carolina Division of the Sons of Temperance,* 1851, p. 54.

[121] *Tarborough Southerner,* January 24, 1852. This paper claimed there were 15,000 members then in North Carolina. This was before a great deal of dissension had arisen.

[122] J. Kelley Turner and Jno. L. Bridges, Jr., *History of Edgecombe County, North Carolina,* p. 465.

During the remainder of the decade the society continued, but with reduced membership. About 1858 the *Spirit of the Age* reported new life, saying, "There is more activity and lively interest among the Sons of Temperance in North Carolina, at this time, than has existed for several years past."[123] The approach of the Civil War, however, pushed the temperance propagandist into the background. When religious and political institutions were being wrecked on the rock of sectional strife, it was not to be expected that a national temperance society would likely survive. Its renewed activities in 1858 were destined to be short-lived, and the Civil War completely destroyed the order in North Carolina.[124]

Other Temperance Societies

In addition to the major temperance organizations, there were several minor societies, products of the enthusiasm of the general movement. The Daughters of Temperance, first introduced into North Carolina at Raleigh in 1848, was organized by "some of the most intelligent and influential ladies of the Town."[125] Five local societies, two years later, formed a State Union.[126] The Daughters of Temperance made substantial progress, having more than twenty-five subordinate unions in 1852. They were without any appreciable influence on the general progress of the temperance movement, however.

Another society which grew out of the Sons of Temperance was the Cadets of Temperance. It was introduced into North Carolina by F. M. Paul, of Wadesboro, in 1849;[127] however, a juvenile society had been organized in Raleigh as early as 1841.[128] For several years the order flourished, and a State Grand Section was established. In 1850, at its meeting in Salisbury, nine new sections were added to the fourteen then composing the State Grand Section.[129] Within one year disintegration had set in, and enthusiasm had cooled; for the young crusaders had failed to reach the promised land. To a meeting held in Greensboro, 1851, a report was made that few were sending returns, money was scarce, and a great many withdrawals had taken place.[130] Explaining the reason for this decline, a cadet wrote in the *Spirit of the Age:* "It is the fault of the

[123] April 21, 1858.

[124] A report in the *Spirit of the Age,* November 28, 1860, gave statistics for the past year: number of divisions—127; initiations—1,112; expulsions—543; suspensions—654; reinstatements—269; cash paid in subordinate div.—$3,365; rep. to Nat. D.—$12. New div. chartered—12; old div. revived—6; total members—3,984; amt. paid for benefits—$1,125. The secretary said a full report would show 5,000 members, "which shows an increase during the past twelve months of over 1,000 members . . . despite all the unfortuitous circumstances."

[125] *Carolina Watchman,* November 1, 1849.

[126] *Spirit of the Age,* January 9, 1852.

[127] *North Carolina Watchman,* May 20, 1850.

[128] *North Carolina Standard,* November 24, 1841; see also Scomp, *op. cit.,* p. 474. "The Cadets of Temperance were organized as a distinct society first in 1845."

[129] *Carolina Watchman,* May 30, 1850.

[130] *Spirit of the Age,* January 9, 1852.

Sons of Temperance. They do not take interest enough in us to visit us, not even the Fathers of the Cadets."[131]

The Independent Order of Rechabites also had "Tents" in North Carolina. In 1849, the legislature incorporated the Rock Springs Tent, No. 180, of Wilmington. Its influence, however, was negligible. As already pointed out, there were many other unorganized groups and scattered societies of temperance advocates that never affiliated with a state or national organization. While their work generally went unrecorded, they often played a significant role, in their quiet way, in attacking intemperance and moulding public opinion in their respective communities along lines which corresponded with their ideals.

Newspapers

The first definite adventure in the publication of a temperance newspaper in North Carolina was a by-product of the Washingtonian movement. Previously, however, in 1828, the *North Carolina Temperance Almanac,* presumably an annual publication, was issued.[132] Being without a state newspaper, the temperance convention in Salisbury, in 1839, approved the *South Carolina Temperance Advocate,* published in Columbia.[133] In 1841, the first state temperance newspaper, the *Western Carolina Temperance Advocate,* was started in Asheville by D. R. M'Anally, but it had a short life, probably not longer than a year.[134] About this time the *North Carolina Temperance Union,* a small paper, printed at Raleigh and edited by S. Biglow, was started as the official organ of the State Temperance Society.[135] For the lack of adequate financial support it was presently discontinued.

The introduction of the Sons of Temperance led to the establishment of several temperance newspapers. In 1848, the *Pittsboro Communicator* was adopted as their official publication.[136] The *Temperance Communicator* in Fayetteville,[137] and the *Democratic Free Press* in Wilmington,[138] were started but died quickly. During the campaign of 1854, Reverend Charles F. Deems founded and edited for about a month *The Ballot Box.*[139]

The most important paper of the ante-bellum temperance and prohibition movements was the *Spirit of the Age.* Established in 1847 by A. M.

[131] *Ibid.,* March 9, 1853.
[132] *North Carolina Temperance Almanac,* 1828, *passim.*
[133] *Western Carolinian,* November 15, 1828.
[134] *North Carolina Standard,* February 24, 1841; *Hillsborough Recorder,* March 20, 1841.
[135] *Western Carolinian,* December 10, 1841; February 25, 1842.
[136] *Ibid.,* June 15, 1848.
[137] *Ibid.,* February 13, 1851.
[138] *Hillsborough Recorder,* October 5, 1853.
[139] *Greensboro Patriot,* February 18, 1854, quoting *The Ballot Box:* "If no great public interest were involved it would be amusing to see the extreme delicacy with which the political press of North Carolina touch the first number of our 'periodical.'" See also *ibid.,* September 23, 1854.

Gorman in Raleigh, it soon supplanted, under Gorman's master hand, the *Pittsboro Communicator* as the official organ of the Sons and became the recognized leader in the temperance reformation. "It was a small sheet at first, but was enlarged from time to time until it became one of the largest four-page papers in North Carolina, and secured a circulation that was unprecedented in the history of newspapers in the South."[140] By 1851, it had a paid circulation of over 3,000 copies weekly.[141] At the beginning of the War, Gorman sold it to John G. Williams, who continued it until 1865, at which time it was discontinued.

The political newspapers were generally favorable to temperance reform as carried on by moral suasion, but they were almost a unit in their opposition to state prohibition. Temperance activity was more pronounced in the piedmont than in other sections, and the newspapers of the piedmont printed much temperance propaganda. Politics did not appreciably enter the movement.

[140] *Whitaker's Reminiscences, Incidents and Anecdotes,* p. 15.
[141] *Spirit of the Age,* August 22, 1851.

CHAPTER III

ORIGINS OF PROHIBITION IN NORTH CAROLINA

Closely connected with the remarkable growth during 1851 and 1852 of the order of the Sons of Temperance was the popular demand that arose in North Carolina for state-wide prohibition, commonly called a Maine Liquor Law. In the prohibition movement, the state of Maine was the pioneer, where, after a bitter struggle, a state-wide prohibition law was passed in 1851.[1] At the same time, other states were convulsed with agitations for prohibition, and many subsequently followed the example of Maine.[2] The contest there had a very significant bearing on the turn the temperance movement took in North Carolina.

This agitation in Maine and other states was not the fundamental cause of the demand for prohibition here, but only one of several causes. Indeed, its most important influence lay in the fact that it served to crystallize sentiment at that particular time regarding one method of controlling or correcting the abuses of liquor. The demand for state prohibition in North Carolina arose, on the other hand, from a natural evolution of social and legal efforts to solve the "Liquor Problem." Its origin must be sought in the dissatisfaction with the license system, the custom of treating with whiskey at elections, the laws prohibiting the sale of liquor to certain persons and at certain places, and to the growing belief of many people that moral suasion and temperance societies should have the aid of the government.

The general features of the license system as already established were continued after 1800. Just before this time, in 1798, the tippling house, often called grog shop, was again legalized. Strangely enough, little or no legal protection was provided; any store keeper wishing to retail liquors was required only to signify his intentions to the sheriff at tax-listing time and, later, pay a small tax. Taverns, places where food and lodging were provided, were required to have licenses.

Almost immediately the grog shops caused trouble, as they had caused trouble more than fifty years before. In order to rid themselves of the "abuses and irregularities" of these dram shops, caused by the licensing of improper persons, towns quickly sought relief. By a law in 1800, the county courts of Craven and New Hanover counties were authorized not to grant retail liquor licenses for use in Newbern and Wilmington

[1] Colvin, *Prohibition in the United States*, p. 40; Krout, *Origins of Prohibition*, pp. 294-296.

[2] The following states passed such a law: Minnesota in 1852; Michigan in 1853; Iowa in 1855; Rhode Island in 1852; Massachusetts in 1852; Vermont in 1852; Connecticut in 1854; Indiana in 1855; Delaware in 1855; Nebraska in 1855; New York in 1855; New Hampshire in 1855. Colvin, *op. cit.*, p. 47.

unless the applicant first obtained a permit from the town commissioners.[3] In 1806, the town commissioners of Raleigh had "found, from experience, that the granting of Permits to sell Spirituous Liquors by the small measure to storekeepers and others not keeping Taverns is promotive of Tippling, Drunkenness, and Disorder, which interrupts the peace and good order of the city."[4] The Board resolved to discontinue the practice. To correct some of the abuses all the grog shops in the state were brought under the license system in 1816.[5] Guarding the public from irresponsible and worthless dealers, the law required the retailer to have a good character. Considerable discretionary authority was given to the county court under its power to interpret this clause as well as to grant licenses generally. In order to raise revenue and still further eliminate less responsible retailers, the license fee was steadily raised from forty-eight shillings in 1816,[6] to ten dollars in 1850,[7] and to thirty dollars in 1858.[8]

Dissatisfaction with the license system and the groggeries was frequently expressed. Writing in the *Western Carolinian,* in 1820, a correspondent thought "it the bounded duty of the Legislature to check" the growth of intemperance. "This might, in a considerable degree," he said, "be effected by enacting a law to prohibit the licensing of retailers. The great number of retail shops, is unquestionably the principal source of the evil."[9] Social conditions would be greatly improved, he added, "if these receptacles of vice were exterminated, as Henry VIII of England destroyed the monasteries." In 1839, the Salisbury temperance convention unanimously approved a resolution criticizing the legislature for legalizing the "system iniquitous in its character and most mischievous in its tendency."[10] Declaring that the grog shops were a public nuisance, a source of "pauperism, crime, disease, and death," which greatly increased taxes and multiplied the number of widows and orphans, they asked that the license law be repealed and the grog shop abolished.[11] Several years

[3] *Laws of North Carolina,* 1800, ch. 44, p. 29. More than twenty-three towns during the next sixty years, with similar difficulties, were granted control of their retail establishments. Beginning in 1799 the legislature passed a series of laws allowing the county courts in several counties to make regulations, such as a tax to sell liquors in the courthouse lot. *Laws of North Carolina,* 1799, ch. 43, p. 20. This was for Duplin County; *ibid.,* 1800, ch. 46, p. 31, Franklin; *ibid.,* 1821, ch. 31, p. 31, Currituck; *ibid.,* 1824, ch. 92, Hyde and Tyrrell.

[4] *Raleigh Register and North Carolina Gazette,* March 19, 1813.

[5] *Laws of North Carolina,* 1816, ch. 8, p. 8; with minor additions this act was reenacted in 1825; *ibid.,* 1825, ch. 5, p. 5.

[6] *Ibid.,* 1816, ch. 8, p. 8.

[7] *Ibid.,* 1850-1851, ch. 121, p. 243.

[8] *Ibid.,* 1858-1859, ch. 25, p. 50.

[9] November 14, 1820. Again in July 31, 1821, the paper pointed out that the law of 1816 required a person who had a license to have a good character, a provision, it was charged, not well enforced. The practice of allowing Negroes to assemble on Sunday at grog shops as well as the drunken brawls near stores was regarded as dangerous.

[10] *Carolina Watchman,* November 15, 1839; *Western Carolinian,* November 15, 1839.

[11] *Loc. cit.*

later, a county temperance convention assembled at Hillsboro respectfully petitioned the county court "to put a stop to the retailing shops in the county" by refusing to issue license, because they were a "nuisance and pest to the whole community."[12] Similar protests elsewhere were being made.[13]

In a few counties, heedful of the criticisms made against the dram shops, the courts refused licenses, thereby establishing prohibition within their respective boundaries.[14] In Greensboro, where a "flourishing grammar school" was much resorted to by the youth from many parts of the state, a majority of the inhabitants "petitioned the court to refuse orders for retailing at that place."[15] Believing they were acting under their discretionary power, the county court refused to grant any licenses in 1844, because such a practice was "injurious to good morals, and against public policy."[16] The Superior Court, Judge Richmond M. Pearson presiding, sustained the lower court. In the famous case of Attorney General *v.* Justices of Guilford, the issue was appealed to the State Supreme Court. Reversing the lower courts, Judge Thomas Ruffin declared it was the opinion of the court that the discretionary power of the county court did not give it the right to prohibit entirely the retailing of spirituous liquors.[17] Although the decision stopped for a time the outlawing of dram shops by court action, the hostility to them continued.[18]

The practice of treating with whiskey at elections publicized abuses inherent in the traffic. As already pointed out, "This method of electioneering seems to have been both an agent and a by-product of the political movement of Jeffersonian Democracy, which triumphed in the United States in 1800. To get out a large vote was essential to victory, and the dispensing of drinks by candidates proved effective."[19] In 1811, writing of the prevalence of distilleries in Caswell County, Bartlett Yancey said that he knew of nothing which had "so great a tendency to demoralize Society, except it be the late practice of electioneering by drenching the people with grog."[20] At about the same time, Jeremiah Battle wrote that in Edgecombe County electioneering was carried on by "purchasing Brandy and drinking with the people—persuading them to get drunk whereby they may lose sight of the objects of an election."[21] Unknown in that county twenty years before, the practice, he declared, was looked upon with considerable apprehension. Then he added, "But so fascinating

[12] *Hillsborough Recorder*, June 5, 1845.
[13] MS Minutes of Pleasant Hill Temperance Society, October 17, 1840.
[14] *North Carolina Supreme Court Reports*, 27 N. C., 315, p. 262.
[15] *Ibid.*, p. 259.
[16] *Ibid.*, p. 258.
[17] *Ibid.*, p. 259.
[18] See *infra, passim.*
[19] A. R. Newsome, "Twelve North Carolina Counties in 1810-1811," *North Carolina Historical Review*, 1929, VI, 89.
[20] *Ibid.*, 1928, V, 424.
[21] *Ibid.*, 1929, VI, 88.

was this liquor that its use on these occasions became fashionable and popular among all classes; and a liberal distribution of it became necessary to a man's election."[22]

Some years before, in 1801, the legislature had made treating with drink "on any day of election, or any day previous thereto, with an intent to influence the election" a crime punishable by a fine of one hundred pounds.[23] Later the fine was changed to $200,[24] and a member of the General Assembly, if convicted of treating, was to be expelled.[25] Despite these relatively severe penalties, the letter as well as the spirit of the law seems to have been pretty generally disregarded, although these laws did tend to lessen the criticism.

The custom of treating soon led many people to seek a more effective remedy. So much resentment arose in Edgecombe County that candidates in 1812 met in caucus and agreed to "renounce this expensive & dangerous mode of Electioneering."[26] Similar to the petition submitted by the Sandy Creek Baptist Association in 1817, Flat River Baptist Association looked to the government for a remedy.[27] Other groups often adopted resolutions condemning the practice.[28] Presently more direct action was advocated.

In 1827 the members of the Broad River Baptist Association declared that they would withhold support from candidates "who may be found in

[22] *Ibid.*, p. 89.

[23] *Laws of North Carolina*, 1801, ch. 16, p. 10.

[24] *Revised Statutes of North Carolina*, 1837, ch. 52, p. 298.

[25] *Revised Code of North Carolina*, 1854, ch. 52, p. 309:
"If any person elected a member of the General Assembly shall by himself or any other person, directly or indirectly . . . give, or cause to be given by himself or another, any treat, or entertainment of meat or drink, at any public meeting or collection of people, to any person shall, on due proof, be expelled from his seat in the General Assembly."

[26] Newsome, *op. cit.*, 1929, VI, 89.

[27] "Your petitioners have viewed with much regret the prevailing custom that has obtained for some years past, and is still abounding in most of the counties where we are acquainted to wit, that of treating with ardent spirits for several weeks preceding the election for members of the Assembly, which practice appears calculated to encourage vice, and of consquence to corrupt the morals of the people of our State, the militia officers as if designedly to make way for such pernicious practices, do arrange their musters in the several districts, so that candidates may attend to treat and harangue the people, the consequence or which is (too often) drunkenness, quarrelery and other acts of immorality, greatly to the subversion of Religion and good order." MSS in Legislative Papers, 1817.

[28] *Hillsborough Recorder*, May 29, 1822, quoting the *Milton Gazette* (Caswell County): "During the electioneering campaign we observe men leaving their farms and families, not able to buy spirits themselves, and attending public places where they can get it gratis; and after continuing in the practice some time will finally bring their families to want and distress and ruin to themselves." See also Purefoy, *History of the Sandy Creek Baptist Association*, p. 110. MSS Minutes of the Pleasant Hill Temperance Society, April 19, 1834: "Resolved, that it be the duty of Temperance people to withhold their support from all candidates for office who are in the habit of treating to obtain support." *Hillsborough Recorder*, June 5, August 21, September 4, 1845; March 18, April 7, 8, 16, June 4, 1846; June 6, 1849; March 22, 1854.

the habit of treating with spirituous liquors to obtain votes."[29] The Unity Temperance Society of Rowan, in 1832, "determined not to vote for any candidate for public office who will treat in electioneering," and recommended to the other societies the calling of a county convention for the purpose of drawing up and adopting resolutions on this subject to be submitted to the candidates of both parties.[30] Six years later, it sent to candidates in Rowan and Davie counties resolutions asking that treating be discontinued.

At the August session, 1845, the grand jury of Rowan adopted the following resolution:

> We, the Grand Jurors of Rowan, Present, That the most of the business brought before us during this term, has been in consequence of Drunkenness, and that a great deal of it has been occasioned by and through the public treating of candidates for public office at different times and places, consequently we cannot help but view the practice as an evil, and a growing evil, for it is manifest to every one that it is annually becoming worse and worse, and we cannot help but feel alarmed for the good order and morality of the community at large, if not for Liberty itself, for it had come to pass that those who treat the most are certain to be elected. . . .[31]

The resolution closed with an earnest request that all people, regardless of party membership, discontinue the practice of voting for candidates on the merits of the "whiskey barrel."

Commenting editorially on this resolution, the *Hillsborough Recorder* said that the step in Rowan County was worthy of imitation. Especially was this true for Orange County, where treating was "becoming more and more popular" and where it was almost impossible to win without treating.[32]

Strangely enough, little was said and nothing legally done during the period about indictments under the anti-treating statute. In 1834, the grand jury of Orange "having under consideration the evils resulting from the practice of treating," refused to take action, saying weakly:

> . . . and though it may not be their duty . . . to present the offenders against the law for punishment by the Court, yet they desire to call public attention to the fact that such practice is a violation of the law, with the hope that the law abiding spirit of our people, as well as their moral sense, will lead them to set their faces against a practice so fraught with evil, and, if possible, frown it down.[33]

Although the grand jury here, too, earnestly asked that treating in the future be discontinued, they recommended nothing more than that the sheriff read the law publicly as authorized in the statute.

[29] *Broad River Baptist Association Proceedings*, 1827, p. 44.
[30] *Western Carolinian*, January 30, 1832.
[31] *Hillsborough Recorder*, August 21, 1845.
[32] August 21, 1845.
[33] *Ibid.*, March 22, 1854.

The prohibition movement in North Carolina had yet other antecedents. Continuing the colonial practice of restricting the sale of liquors to certain classes, slaves could not buy liquor without their master's permission.[34] After 1828, only white people were allowed to retail liquor,[35] and by 1852 free Negroes were not allowed to buy liquor.[36]

Praising the law which denied the sale of liquor to slaves, because it made "them dangerous to the community," the Salisbury temperance convention pointed out that "no one could deny that the effect of spirits is substantially the same on all persons." Then it added, "and the law as it stands has the appearance of protecting slaves as articles of property, while the temptation may be held out to the master and his sons to destroy themselves body and soul."[37]

The establishment of prohibition by legislative enactment was also begun during the ante-bellum period. The territory around churches during services, as mentioned above, was made dry at the turn of the century. Only one church, however, was made a permanently dry territory before the Civil War.[38] The first no-license territory in North Carolina was established in 1838 when the legislature prohibited the granting of licenses for the sale of liquor within one mile of Wake Forest College.[39] Five years later, in a special act, the legislature prohibited the establishment of tippling houses and the sale or delivery of wine, spirituous liquors, or malt liquor within two miles of the University of North Carolina.[40] Liquor might be sold or delivered to students, however, upon permission of the president or some member of the faculty. Before 1860 laws were enacted which prohibited the retail sale in places from one-half mile to five miles radius with twenty-seven schools as centers.[41]

As a result of the agitation by church groups, temperance societies, and some of the newspapers for more effective control of the abuses of the liquor traffic, a growing undercurrent for more advanced steps developed. The license system, it was said, had failed, and treating continued. Some thoughtful citizens saw no reason why the government should not help in the temperance reformation and share part of the burdens of the societies. If laws establishing prohibition for certain classes and at certain places were beneficial and within the province of government action, state prohibition was no different in principle.

During the latter part of 1851, the *Spirit of the Age* redoubled its

[34] *Laws of North Carolina,* 1826, ch. 13, p. 7; see also *ibid.,* 1830, ch. 15, p. 17.
[35] *Ibid.,* 1828, ch. 10, p. 7; 1844-1845, ch. 86, p. 123.
[36] MS in Legislative Papers, 1852, original bill.
[37] *Carolina Watchman,* November 15, 1839.
[38] In Robeson County, radius of three miles. In 1840, a memorial was presented to the Senate by W. B. Shepard for Perquimans asking legislation to restrict the liquor traffic in that county; MS in Legislative Papers, 1840; *Raleigh Register,* December 8, 1840.
[39] *Laws of North Carolina,* 1838-1839, ch. 14, p. 107.
[40] *Ibid.,* 1842-1843, ch. 69, p. 106.
[41] *Ibid.,* 1828-1861, *passim.*

attack upon the license system. "We do not desire any special enactment of our Legislature or any other Law making power *in behalf* of Temperance," said the editor; "indeed, we would not have it to be given—but we do ask for the withdrawal of Legislative sanction and enactments in behalf of the enemies of temperance." Doubtless the editor favored allowing county courts the privileges of refusing licenses, a form of local option.[42]

Less moderate reformers were striking out boldly for state prohibition. "We have observed within the last few months," the *Carolina Watchman* commented in 1851, "that Temperance orators speak in very significant terms of the right of suppressing the Liquor traffic by an appeal to the ballot box."[43] Several months later, the *Spirit of the Age* was advocating prohibition because it gathered from its "extensive correspondence throughout the state . . . that the traffic in ardent spirits . . . can never be removed . . . but by stringent prohibitionary enactment."[44]

During the spring of 1852 the *Presbyterian* observed that the temperance question was assuming new interest for the people, and argued that the issue was really one which should be dealt with by legislation as well as by moral suasion.[45] "Although we have, in some aspects of the Temperance question, felt doubtful of the propriety of mixing it up with the ballot box, yet," said the paper, "in this light of it as a great question of political economy, we feel no hesitation in saying that it is a legitimate subject for the decision of the people at the polls."[46] Political party allegiance, it was urged, should be "temporarily merged in a question of this kind." Attacking the license system, the paper concluded "that the free votes of the people will yet determine that there shall be NO TAXATION FOR INTEMPERANCE."[47]

Definite action was determined upon when it was decided to present a memorial to the General Assembly of 1852 asking for a state prohibition law. The first move was to circulate petitions in virtually every part of the state. Local temperance organizations, led in places by the Sons of Temperance, held rallies and circulated petitions. The Grand Division, at its meeting in Salisbury, October 28, 1852, officially endorsed the movement and prepared a long memorial, on its own part, in favor of the proposed legislation.[48]

To organize for the fight in the legislature a temperance convention was held in Raleigh, December 15 and 16, and "notwithstanding the

[42] *Spirit of the Age,* August 22, 1851. In another issue, October 10, 1851, the editor denied political ambition: "Our object in adverting to the License Laws, is not to bring the sacred cause of Temperance into the arena of political turmoil, or to appeal for Legislative enactment in behalf of our cause." See also *Carolina Watchman,* September 4, 1851.

[43] December 4, 1851. It attributed this change in part to the "admirable operation of the law in Maine, and other states."

[44] March 10, 1852.

[45] Quoted in *Carolina Watchman,* April 8, 1852.

[46] *Loc. cit.*

[47] *Loc. cit.*

[48] *Carolina Watchman,* December 9, 1852.

inclemency of the weather and wretched conditions of the roads, there were about 160 delegates present."[49] Some of the delegates wished to use the House of Commons for their night meeting. When a motion to grant their request was made in the House, one member became so wrought up that he declared he would speak all night to keep the motion from passing. His declaration caused so much "noise and confusion" that the speaker ordered the lobbies cleared. Thereupon the motion was withdrawn in order "to avoid a scene disgraceful to the State."[50] Having obtained the use of another hall, the convention was organized with Reverend N. Z. Graves as president.[51]

Its most important work was the preparation and adoption of a memorial which asked the legislature to enact a state-wide prohibition law, or at least a law to limit the retailing of liquors to licensed dealers who must first have the written permission from a majority of the heads of the families in their respective localities. It was as follows:

Whereas, it is laid down as a fundamental principle of Republican Government, that "the people have a right to instruct their Representatives and to apply to the Legislature for redress of grievance." *And Whereas,* the unrestricted traffic in intoxicating liquors has long been deemed an evil, and hence the enactment of our present Liquor License Law—: And believing that this law has failed to apply the protection contemplated by its enactment:—We, the undersigned, citizens of North Carolina, pray your honorable body to enact a law to prohibit entirely the traffic in all intoxicating liquors as a beverage throughout the limits of our State: Or, so to restrain it, that they shall not be sold in less quantities than Ten gallons, except by those receiving license to retail the same—the said license not to be granted in any county except by the confirmation of all the Justices of the Peace in such county in open court had and obtained upon written application signed by a majority of the heads of families residing within five miles of the place where said spirituous liquors are to be vended; or if in a town, village, or city, signed by a majority of all the heads of families residing within three miles thereof: The license fee to be $100 for the former, and $300 for the latter: And at a subsequent time to be designated by your honorable body.[52]

To this memorial approximately 18,000 names were attached, including 12,929 voters, 4,874 women, and 187 youths, making one monster petition.[53]

[49] *North Carolina Standard* (semi-weekly), December 18, 1852.

[50] *Carolina Watchman,* December 30, 1852. The editor of the *Standard* referred to the withdrawal of the motion as an act that "put an end to a contest which was calculated to reflect no credit upon the House."

[51] *North Carolina Standard* (semi-weekly), December 18, 1852. Other officers were: W. H. Morning of Johnston, A. H. Ray of Franklin, Professor J. B. White of Wake Forest College, and John B. Odom of Northampton, vice-presidents; Professor W. C. Doub of Greensboro Female College, and Dr. W. H. Johnson of Alamance, secretaries.

[52] MS in Legislative Papers, 1852.

[53] Petitions with more than 3,000 names did not reach Raleigh in time to be attached to the memorial but are included in this summary. There were attached to the memorial 10,587 signatures of voters, 4,123 women, and 163 youths.

In an accompanying petition four reasons were set forth why the legislation should be enacted: first, the government licensed the liquor traffic on principles not in harmony with temperance; second, the liquor traffic inflicted great and unreasonable temporal evils "by the production of nine-tenths of all the Pauperism," by occasioning three-fourths of all the litigation in the courts, by a great amount of social and domestic distress, by destruction of property, by causing three-fourths of all the murders, by counteracting and jeopardizing agriculture and other interests, and by crippling and contravening the educational interest; third, the present system was a monopoly; and last, the present law was inconsistent with Christian principles and democratic government.[54]

In the Senate, on December 17, a few days before the close of the session, the memorial was presented by W. L. Steele.[55] Although opposed to a liquor bill, he thought the memorial should be courteously received and then referred to a committee for further study.[56] A motion by G. W. Caldwell to lay it on the table without further delay precipitated "a spirited" and "angry debate."[57] Claiming himself to be a real temperance advocate, Caldwell called the petitioners fanatics because no one had the right to say in what form his corn should be used; "one had as much right to petition this Legislature against Slavery."[58] Since the session was near its end, others regretted that "this exciting subject had been brought before the Senate," because it would take too much time and, thereby, defeat other important legislation.[59] Speaking in favor of receiving the memorial, John A. Gilmer said "that he was advised this memorial originated with the Sons, but that they had the signatures of a large number of citizens who do not belong to their order. On the other hand, members of the Sons have refused to sign the petition, and are opposed to the proceedings."[60] On the motion to lay on the table, the vote was a tie, and the speaker cast the deciding vote against considering the memorial.[61] He explained his vote as not prompted by disrespect to the petitioners, but rather on account of the lack of time "now left for deliberation—especially on such an exciting a topic."[62] Then upon motion, leave was granted to withdraw the memorial. Having been immediately presented to the House by W. McNeal, it was received, after a motion to table was

[54] MS in Legislative Papers, 1852. This is in the handwriting of William C. Doub.
[55] *Journal of the Senate,* 1852, p. 323.
[56] *Raleigh Register* (weekly), December 22, 1852.
[57] *Wilmington Journal,* December 24, 1852.
[58] *North Carolina Standard* (semi-weekly), December 22, 1852.
[59] *Loc. cit.*
[60] *Raleigh Register* (weekly), December 22, 1852.
Spirit of the Age, quoted in the *Carolina Watchman,* December 30, 1852, said: "The Temperance Convention assembled in this city, was not composed, as some seem to suppose of 'Sons of Temperance,' exclusively—there were those present who belong not to that organization—and two-thirds of those whose signatures were affixed to the *Memorial,* are not connected with any temperance association."
[61] *Journal of the Senate,* 1852, p. 323, *Yeas,* 23, *Nays* 23, Speaker . . . *Yea.*
[62] *North Carolina Standard* (weekly), December 22, 1852.

defeated by a vote of 21 to 78, read, and referred to the judiciary committee, where it remained without further consideration.[63]

The Senate gave still further evidence of its hostile attitude toward prohibition when it received and ordered printed a memorial from Halifax County, denouncing the proposed law.[64] Violently assaulting those who advocated the "Maine Liquor Law," the anti-memorial declared that such a law had principles and leaders of the "Northern fanatically despotic Maine Liquor Law," which were "higher than our Constitution . . . arrogantly fanatical . . . lower than common infidel-like wickedness and anti-republican despotism."

These unsuccessful efforts for state prohibition did not kill the movement. Complacently accepting the defeat and ominously pointing out a way of redress, the *Spirit of the Age* said, "We have no disposition to indulge in disparaging remarks even toward those who exhibited such discourtesy to the friends of temperance reform, their motives we leave for them to explain to their constituents."[65] Whatever may be the views entertained by the public mind, as to the expediency of passing a law prohibiting the traffic in spirituous liquors, it was evident, thought the *Raleigh Star and North Carolina Gazette,* that the "unceremonious manner in which the subject was kicked out of the last Legislature, can have no other effect than to embolden the friends of reform to press the matter to its utmost limit." Then it added, "The reception and printing of the counter Memorial by the Senate will serve to kindle the fire."[66]

One thing was now clear to the reformers; they could not hope to succeed unless the members of the legislature were less hostile to prohibition. During the next two years, consequently, efforts were made to elect to office men more favorable to their cause. At a meeting of the Little Rock Division of the Sons of Temperance, in Orange County, the members concluded "that a crisis had arisen, both in a civil and a moral point of view—the question to prohibit the traffic in spirituous liquors, will form

[63] *Journal of the House,* 1852, p. 421.

[64] *Legislative Documents of North Carolina,* 1852, Vol. 11, *Senate Document* No. 30, p. 255; see also MS in Legislative Papers, 1852. One other petition was presented against the proposed law: "We your petitioners beg leave to ask your Honors attention to the impropriety of passing any law similar to that of the Maine Lickquor Law of the State of Maine and whereas there is a sect of bissy boddy's in the county of Anson and Union that are gitting up petitions to do away as they say the Lickquor trafick & whereas in time past those same people has denide having any such an object in view as that of taking the people Libertyes away by Law power & there acts proveing now to the contray of these words we look upon them as being enemies to the Libertyes Conferde apon us in the scripture of truth & are trying to take from us aparte of the Legacy of Freedom & Liberty of conscience securde to us by the prise of the Blood of our fore Fathers & we humbelly hope & and trust that you will through all such petitions as the above named under the table or out of the House."

[65] *Spirit of the Age,* quoted in *Carolina Watchman,* December 30, 1852.

[66] Quoted in the *Carolina Watchman,* January 20, 1853.

the elements of our State policy, in the canvass in the coming year, the election of our State Legislature."[67]

During 1853 the *Spirit of the Age* and the *Democratic Free Press* continued to urge upon the voters the need for a Maine Liquor Law.[68] Commenting upon a heated controversy between the *Spirit of the Age* and the *North Carolina Standard*, "in which hard blows are struck on both sides," the *Hillsborough Recorder* refused to take sides or to predict the outcome, but "if undue heat is avoided the public may get information on a subject which is likely to agitate the State for some time to come."[69]

In the meanwhile, the problem of treating served to keep the liquor issue before the public. In the fall of 1853, chiefly to consider this issue, several temperance conventions were held in Orange County.[70] At one of these, a resolution was adopted pledging the members not to vote for candidates who treated, provided two hundred members of each political party agreed.[71] Violently criticizing this plan, the *North Carolina Standard* charged that the "so called temperance Whigs" were trying to gain votes by tricking the Democrats into signing the pledge, declaring that it was the same "game played" in Wake, Forsyth, and other counties where temperance propaganda had helped elect Whigs to office.[72]

As the election of 1854 approached, the reformers laid plans to force the candidates of both parties to express themselves on the question of prohibition.[73] At the Democratic and Whig county conventions in Orange, a committee from a temperance convention presented each party with a request that official action regarding liquor law reform be taken.[74] Thereupon each party named a committee of conference to study this request. In its report the committee recommended that the sheriff be requested to hold a county referendum on the question. Adopting the report, both conventions agreed, "That the nominees of this convention be, and are hereby, requested to agree to abide by the instructions of a majority of the voters of Orange upon the question now agitated in relation to legislation upon the subject of liquor traffic—to be ascertained by a vote of the people at the polls." The sheriff was requested to prepare two ballots, one with the word "Reform," and the other "No Reform." Those who favored legislation on alcoholic liquors were to vote the former, and those opposed, the latter.[75]

The reformers in Sampson County thought the best way to settle

[67] *Hillsborough Recorder*, August 17, 1853. "We, may as properly and as rationally make it a basis for action as a State Convention, Free Suffrage, Distribution of the Public Lands or any question of general or local interest."
[68] *Ibid.*, October 5, 1853.
[69] *Loc. cit.*
[70] *Ibid.*, November 2, 23, 1853.
[71] *Ibid.*, October 12, 1853.
[72] *North Carolina Standard*, August 16, 1853.
[73] *Spirit of the Age*, May 17, 31, June 28, 1854.
[74] *Hillsborough Recorder*, May 31, 1854.
[75] *Loc. cit.*

the question was to have an election for the whole state. In convention at Clinton, they adopted the following resolution:

> Resolved, That as republicans, and wishing to abide by the will of the majority, we earnestly recommend to the next Legislature that some steps be taken to test the will of a majority of the people of North Carolina with regard to a Prohibitory Law, and should a majority of the good citizens of Sampson county favor such a law, then we earnestly request our Representatives to cast their votes in its favor.[76]

In other counties, the prohibitionists were boldly organizing independent tickets.[77] At temperance conventions held in Rowan, Davie, Rockingham, Caswell, and other counties, candidates for the legislature were nominated on prohibition tickets, including usually men of both political parties. Samuel D. Rankin, Whig, and Col. David Lentz, Democrat, were nominated in Rowan for the House.[78]

Candidates for governor were asked to declare their sentiments on the issue. To these requests Alfred Dockery, Whig candidate, in a speech at Hillsboro, said that although he was not a member of the Sons of Temperance, he was a temperance man, not having taken a drink of intoxicating liquors since 1829. If it was the desire of the friends of temperance that a prohibitory law should be passed, "He would not interpose a feather to prevent, nor would he, on the other hand, throw a feather's weight in favor of it," adding that this issue would have to be settled by the legislature.[79] Thomas Bragg, Democratic candidate, made practically the same declaration.[80]

The results of the election of 1854 were generally unsatisfactory to the temperance workers. Considerable confusion developed in counties where the liquor issue had been injected into the campaign. The *North Carolina Standard* charged that "whiskey and Temperance . . . elected a Whig in Wake County."[81] Answering this accusation, the *Raleigh Register* branded it "a foul calumny."[82] Their attempts to enter the political arena and there combat forces long accustomed to give rather than receive suggestions subjected the reformers to the customary rules of party politics, rules which too often gave a candidate the "liberty" to falsify his political opponents.

[76] *Wilmington Journal,* July 14, 1854. [77] *Greensboro Patriot,* July 1, 1854.

A temperance convention held at Leaksville, Rockingham, on the 29th of May, proposed for the legislature Major Geo. H. Chaplin. In Caswell, the following persons were nominated by the temperance party: Senate, S. F. Standfield; House of Commons, Stephens E. Williams and Elijah Roberts; see also *Raleigh Register,* June 17, 1854; *Wilmington Journal,* June 16, 1854; *North Carolina Standard* (semi-weekly), August 5, 1854.

[78] *Greensboro Patriot,* July 1, 1854.

[79] *Hillsborough Recorder,* June 7, 1854; see also *Greensboro Patriot,* June 17, 1854.

[80] *Hillsborough Recorder,* June 7, 1854; *Wilmington Journal,* June 16, 1854. Neither of the party platforms of 1854 mentioned the temperance question; see *Raleigh Register,* February 25, 1854, for the Whig platform; *North Carolina Standard,* April 26, 1854, for the Democratic platform.

[81] August 5, 1854. [82] August 9, 1854.

The reformers were decisively defeated in Orange. Out of 1,575 votes cast in the informal referendum on the reform question only 413 were *for,* while 1,162 were *against.*[83] The *Hillsborough Recorder* attributed the large negative majority to the fact that many supposed that a vote for "Reform" would be a vote for prohibition. Although the people were opposed to anything like the Maine Liquor Law, the editor said that he still thought that many people of the county desired improvement in the existing laws, calculated to render them more effective.[84] Agreeing with this conclusion, the *Wilmington Journal* said, "It appears to us that the result of a similar vote would be nearly the same throughout the State." The people were opposed to absolute prohibition, said the editor, but they favored "moderate and practicable reform."[85]

The attempts to formulate their legislative program caused important divisions within the ranks of the reformers. At a state temperance convention held in Raleigh, October 17, 1853, with twenty-six counties represented, disagreements arose as to the proper course. There were those who wished to improve and strengthen the liquor laws, but they were in the minority. Only "after a protracted and animated debate" did the majority force the adoption of a resolution asking for a state-wide prohibition referendum.[86]

With the meeting of the General Assembly, petitions asking for a law prohibiting *entirely* the traffic in liquors began to pour in from all parts of the state. Unlike the practice in 1852 of attaching all of the names to one memorial, petitions from local communities were sent directly to the General Assembly. Neither did the Sons of Temperance lead the movement. At the meeting of the Grand Division the order defeated a resolution for state prohibition, but it unanimously endorsed a local-option proposition under which the voters in each school district would be given the privilege of outlawing the grog shops.[87] This time, as the petitions were received they were referred to the committee on propositions and grievances. The *Southern Weekly Post* had cautioned the legislature against indifference to the demands of the friends of temperance, and had warned that such a course could easily encourage the reformers to resort to an "extreme measure."[88]

Despite more courteous reception, perhaps because of it, the movement was clearly on the wane, for the number of petitioners was just about half that of two years before: 6,103 voters, 2,187 females, and 341 youths,

[83] *Hillsborough Recorder,* August 9, 1854.
[84] *Loc. cit.*
[85] August 12, 1854.
[86] *Hillsborough Recorder,* October 26, 1853.
[87] *Ibid.,* November 1, 1854.
[88] December 2, 1854: "It is a question of serious importance whether the legislature of the State now in session will, or will not, take the matter into careful consideration, and by a timely measure of reform not only apply a wholesome remedy to this crying evil, but effectually prevent several consequences which further delay would very probably induce."

a total of 8,631.[89] After some delay, the House committee submitted an adverse report, saying in the introduction:

> That they are not unmindful of the evils of intemperance and its demoralizing effects upon the human family; producing in many instances physical and mental imbecility. Further they say, that they cannot close their eyes to the painful facts everywhere visible in social and domestic life; affecting wife, kindred, home—all that binds men to their fellowmen—desolating hearths, beggaring children, and in its ravages, sweeping to an untimely grave countless numbers of the human race. These effects are manifest to all, and it were folly to deny them.[90]

These conditions, according to the committee, could best be met by moral suasion, a movement which in North Carolina had "in a very great degree, reformed public opinion." To prohibit *entirely* the traffic in liquors would be unconstitutional. Morally and physically, man was a free agent, and any law which sought to control his volition was an insult offered to his dignity and understanding. The English people had always held such sumptuary laws unconstitutional, said the committee. Granting that it were constitutional, the committee believed the law should not be passed, in the second place, because the public mind was not ready for it. Warming up to their conclusion, they castigated the reformers as having mistaken zeal, and as being "reckless of results." Concluding their report, the committee declared that prohibition was "a species of fanaticism, which has its parallel only in the insane desire, of those, who would deprive, at one fell blow, every planter of his slaves, and turn loose upon the land, without a moment's warning, millions of human beings."[91]

After hearing the report and ordering it printed, the House took no further action.[92] Presented also to the Senate, the petitions were received and referred to a special committee. Its only action was to report them back, without recommendation, and ask that it be discharged, which subsequently was done.[93]

The movement for state prohibition in North Carolina was dead before the Civil War, although some excitement on the issue was raised by *The Pickled Pod Letters*. These anonymous letters, over the signature of "Will Willowill," written by E. G. Reade, appeared in several newspapers and then in pamphlet form. They analyzed and ridiculed with telling sarcasm the statements and contradictions in the House Committee's report.[94] With the rise of other issues, prohibition in North Carolina became more and more a local issue, with the reformers advocating local option.

[89] MSS in Legislative Papers, 1854.
[90] *Journal of the House*, 1854-1855, p. 441; see also *North Carolina Standard*, February 21, 1855.
[91] *North Carolina Standard*, February 21, 1855.
[92] *Journal of the House*, 1854-1855, p. 441.
[93] *Journal of the Senate*, 1854-1855, p. 311.
[94] Will Willowill (pseud.), *The Pickled Pod Letters*. According to the *Farmer and the Mechanic*, May 5, 1881, these letters were written by E. G. Reade.

The principle of local option was first used in North Carolina when town commissioners, by legislative enactment, were given control of the sale of liquor within their incorporated limits. Clothed with discretionary power, they could, if the people demanded or they desired, close all tippling houses or grog shops. A more significant development in local control, however, arose when the people were permitted, by their vote, within a restricted area, to determine whether liquor licenses should be granted. Beginning definitely the local-option movement in North Carolina by special act, the legislature of 1855 granted to Salisbury the privilege of holding a town election to determine if liquor in quantities less than five gallons should be sold. This was commonly called Salisbury's Five-Gallon Law.[95] In 1859 the principle was extended when a special act gave to Asheville the right to prohibit both the wholesale and retail sales of liquor, if a majority of the votes of the town cast the "no-license ticket."[96] In order to keep the liquor stores closed, an election, the courts ruled, must be held each year. Franklin,[97] Rockingham,[98] and Lincolnton[99] were also given local-option privileges. At about the same time, towns, by legislative enactment, were made no-license territory, a policy similar to the one followed regarding schools.[100]

In addition to the local-option elections for towns, two counties, Henderson and Buncombe, were granted by law the privilege of holding no-license elections.[101] An election each year should be held in all the school districts to determine if licenses should therein be issued. The Civil War checked these experiments.

Out of Salisbury's Five-Gallon Law, several interesting contests developed. Under it, three elections were held; those in 1855 and 1856 were carried by the reformers. In an editorial entitled "A Warm Contest on the Liquor Question," the *Carolina Watchman* in 1856 "unhesitatingly" declared that the closing of the dram shops had lessened the amount of pub-

[95] *Ibid.*, 1854-1855, ch. 260, p. 379. The courts interpreted this law to mean that an election must be held each year.

[96] *Ibid.*, 1858-1859, ch. 276, p. 374.

[97] *Ibid.*, 1860-1861, ch. 166, p. 196. See also *Greensboro Patriot*, March 24, 1855. The county of Franklin had, before the passage of this law, been attacking the liquor problem: "At a late session of the Franklin County court with a full bench, the magistrates of the county refused to grant licenses to any one to retail spirituous liquors. There is not a licensed grog shop in the county of Franklin. . . . It is evident that the sober reflecting portion of the people are becoming more and more in favor of some reformation in the liquor traffic. . . . Now, a number of counties refused to grant license at all."

[98] *Laws of North Carolina*, 1860-1861, ch. 174, p. 206. Town located in Richmond County. In quantities "less than a quart."

[99] *Ibid.*, 1860-1861, ch. 169, p. 200. Also in quantities "less than a quart."

[100] Jamestown and High Point in 1859. Boon Hill of Johnston in 1861.

[101] *Laws of North Carolina*, 1858-1859, ch. 274, p. 371; see also *Asheville News*, January 20, 1859: "We observe that our Senator, Gen. Edney, has introduced bills regulating the sale of spirituous liquors in Asheville and Hendersonville"; see also *ibid.*, March 24, 1859.

lic drunkenness.[102] In the second election, the "no-license party" cast III votes, against 92 by the "license party," giving the "no-license party" the victory by 19 votes. When the town commissioners called a third election in 1857, the "no-license party" refused to participate, and their opponents won overwhelmingly. Having defeated the grog shops twice, they declared that the election was both illegal and unnecessary. The courts, however, held otherwise, and licenses were again issued.[103]

[102] *Carolina Watchman,* February 5, 1856.
[103] *Ibid.,* February 3, 1857.

CHAPTER IV

THE CHARACTER OF THE MOVEMENT AFTER THE CIVIL WAR

Although the Civil War temporarily stopped the agitation, its effects were not entirely destructive of temperance and prohibition reform in North Carolina. Indeed, at least two by-products of that struggle were destined to have important bearings on the nature of the renewed movement. Not the least of these was the valuable lesson learned from the passage of laws, under the impelling hand of necessity, to prohibit the manufacture of liquors.

When the War had been in progress less than nine months, an ordinance "to prohibit, for a time, the manufacture of spirituous liquors from grain" was passed.[1] After April, 1862, all legal distillation within the state stopped, and a tax of one dollar per gallon was placed on imported liquors. In the fall of the same year, the General Assembly enacted a much more inclusive law by which corn, wheat, peas, peanuts, oats, rye, Chinese sugar cane and the seed therefrom, syrup, molasses, rice, dried fruit, or potatoes could not be used to make liquors.[2] Near the close of the War buckwheat and barley were added to the prohibited materials.[3] At about the same time none of the above products, with honey added but Chinese sugar cane excepted, could be used for "fermenting or brewing . . . for the purposes of making or manufacturing beer or any other malt liquor for sale.[4]

These laws, of course, were not enacted to further temperance or prohibition; they were designed to protect the food supply of the state. Nevertheless, such a practice was a far cry from the days of the Revolution; at that time liquor was served to the troops as part of their daily ration. Liquor then was considered an indispensable item for soldiers; no victories were expected without it. Now, about three-quarters of a century later, its distillation was prohibited in the belief that intoxicating beverages were at best an expensive and unnecessary luxury. No one would seriously question the importance of the temperance crusaders in bringing about this far-reaching revolution in attitude. More important for the future was the lesson in the *prohibition by law* of the manufacture of liquors, a lesson not quickly forgotten or easily discredited.

[1] *Ordinances of the State Convention*, 1862, 3 Sess., p. 119.
[2] *Laws of North Carolina*, 1862-1863, ch. 10, p. 20. Penalties for violation were soon raised from a fine of $100 and imprisonment for thirty days to $500 and sixty days. In order better to enforce the law, one-half of the fine collected went to the informer; *ibid.*, 1864, Adjourned Session, ch. 9, p. 8.
[3] *Ibid.*, 1864, ch. 9, p. 8.
[4] *Ibid.*, 1864, ch. 30, p. 64.

The other by-product of the Civil War, which had an important influence on the temperance and anti-saloon movements, was the United States Internal Revenue System. As a war measure the Congress, on July 1, 1862, levied a tax of twenty-five cents a gallon on alcoholic spirits. Raised from time to time, it was by 1864 two dollars per gallon. Having been lowered to ninety cents by 1875, the rate was not changed again until the outbreak of the Spanish-American War, when it was raised to one dollar and ten cents. Malt liquors were taxed one dollar a barrel.[5] Special taxes were levied on wholesale and retail dealers. To operate a saloon the retailer was required to pay twenty-five dollars for a federal license.

Introduced into North Carolina at the close of the War during the time of general confusion and bitter hostility toward the Federal government, the revenue system in so far as it was related to taxes on liquors met with stubborn and often violent opposition. So widespread was this opposition in 1876 that only ninety-three grain and 377 fruit distillers, a total of 470, were paying the tax.[6] That same year amnesty for all violators of the revenue laws was declared, and the number of licenses thereafter issued gradually increased. Although most of the establishments were small and operated only during a few weeks of the year, by 1881 there were 502 grain and 938 fruit, or a total of 1,440 licensed distilleries in North Carolina.[7] In 1869 about 1,100 retail establishments or saloons were licensed.[8] The number of saloon operators paying the tax rose steadily, and 1,975 paid the tax by 1881.[9] Thirty-seven wholesale dealers were listed in 1876 but only twenty-one in 1881. In 1876 the amount of revenue collected in the state was $214,260;[10] in 1881 it was $617,245.[11]

Among the Republican counties in the Sixth Collection District, which embraced the thirty-four counties west of Salisbury, considerable trouble occurred. Where lack of ready means of transportation prevailed in the mountain counties many farmers found it both convenient and profitable to distill their surplus grain and fruit into liquors. Often fruit brandy was distilled as a means of preserving what otherwise would have spoiled. Consequently, small and large distillers fought bitterly the officers who tried to collect the taxes. At times upheld by an almost united public opinion, they waged open warfare on the "revenuers."

The people were not always to blame for their lawlessness. In far too many cases the officers were appointed not on the basis of fitness but as a reward for party loyalty in the past or promised party support in the

[5] August F. Fehlandt, *A Century of Drink Reform in the United States*, p. 140.
[6] "United States Internal Revenue Reports," *House Executive Documents*, 41 Cong., 2 Sess., no. 4, p. 40.
[7] *Ibid.*, 47 Cong., 1 Sess., no. 4, p. xl.
[8] *Ibid.*, 41 Cong., 2 Sess., Special Report, *passim*.
[9] *Ibid.*, 51 Cong., 1 Sess., no. 4, p. 40.
[10] *Ibid.*, 41 Cong., 2 Sess., no. 4, p. 70.
[11] *Ibid.*, 47 Cong., 1 Sess., no. 4, p. 54.

future. It was charged that the Republican party within the state was built up by means of appointments and by failure of the officers to arrest guilty persons.[12] "No more infamous story disgraces the history of the state than that of their bribery, corruption, violence, and intimidation. . . . Among the deputy marshals and the revenue officers there finally developed the system of hunting for people to arrest and even manufacturing offenses, since fees and blackmail were both profitable."[13] It was said that they were often drunk, carried blank warrants, and arrested many innocent people. "Finally the practice grew so bad that Judge Dick was compelled to issue orders that deputy marshals should not seek processes themselves, but only execute those which were put into their hands."[14]

Despite the fact that the revenue system was frequently used as a means to further the interests of the Republican party in North Carolina, many of the party leaders within the state thought it was having just the opposite effect. In 1870, expressing the opinion of many of that party, the *North Carolina Standard,* leading Republican newspaper, launched a series of attacks on the injustice of the tax, claimed that it was grievous and oppressive, and announced, "We propose to initiate a movement for its immediate repeal."[15] After making a touching plea for the "copper stills (many of which are heirlooms)," the editor asked "Northern Republicans" to give some consideration to the men of this section who had been loyal to the Union, men who were being daily slaughtered and murdered as a result of laws, "which daily make rebels and rebel sympathizers more abundant."[16] In a long article entitled "Excessive Taxation," the system was compared to the Revolutionary principle of taxation without representation.[17] Just as vociferous in their criticism of the tax were most of the other newspapers.[18]

The Republican party did not endorse entirely the position of the *North Carolina Standard.* In the state Republican platform of 1870 Congress was requested to alter or modify upon terms that would not be "onerous or oppressive" the tax on fruit brandy.[19] Some twelve years later that party was no longer advocating the abolition of the tax, even on fruit distillers, but favored using such revenue to educate the "children of our common country."[20]

The Democratic party, out of power nationally, was more united and consistent in its opposition to the revenue laws. In the state Democratic

[12] *Southern Home,* November 10, 1873; *North Carolina Standard,* June 11, 1870; *Raleigh News,* October 20, 1877.
[13] J. G. de R. Hamilton, *History of North Carolina,* pp. 194-195.
[14] *Ibid.,* p. 195.
[15] April 22, 1870.
[16] *Loc. cit.;* see also *ibid.,* May 24, 1870.
[17] *Ibid.,* February 3, April 6, May 11, 1870.
[18] *Lenoir Topic,* December 9, 1885; *News and Observer,* June 2, 1885; *Southern Home,* November 10, 1873; *Kinston Journal,* May 6, 1880; *Asheville Citizen,* November 4, December 16, 1882.
[19] *North Carolina Standard,* May 13, 1870.
[20] *North Carolina Democratic Handbook,* 1882, p. 6.

platform of 1872, the system was declared to be inequitable, vexatious and tyrannical.[21] Not having altered that stand in 1882, the party declared "in favor of the entire and immediate abolition of the internal revenue system, with its attendant corruption."[22]

Opposition was also voiced by the General Assembly. Under the control of the Republicans it approved in 1869 resolutions which asked for the exemption of all distillers who manufactured less than 300 gallons per year.[23] In 1871 a Democratic legislature adopted resolutions which pointedly stated "that we respectfully request and earnestly solicit our representatives and senators in the United States Congress to endeavor to have the revenue on . . . distilled spirits greatly reduced from its present rates."[24]

Too much emphasis should not be attached to this opposition and to the charges of corruption and political chicanery. Whatever might be said regarding the corruption and bribery of the officers, there yet remains eloquent proof that violators of the law were apprehended and punished. Twelve years after the close of the War, in 1877, there were in North Carolina 596 illicit stills seized, 1,174 persons arrested, and 12 officers killed and 8 wounded.[25] During a five-year period, 1877-1881, there were 4,061 illicit stills seized, 7,339 persons arrested, and 26 officers killed and 57 wounded.[26] These statistics clearly indicate that bootleggers, blockaders, and rum-runners have had, if not ancient antecedents, at least a lot of grandfathers, and that no one could call service then in certain branches of the revenue department in North Carolina a "pink tea" affair.

So far as it was related to the liquor laws the Federal revenue system affected the prohibition movement in North Carolina in at least three ways. In the first place, the fight for prohibition after the Civil War progressively assumed the nature of an anti-saloon crusade. Although prior to 1860 the license system with its legalized dram shops was vigorously attacked, the retail establishments, now called saloons, did not receive all of the attention. In this period, however, the saloon became the symbol of the evils of the traffic in intoxicating liquors. While the gradual evolution of the movement quite naturally led in that direction, the trend was greatly accelerated by the revenue laws. When the government levied a comparatively high tax on liquors, the liquor dealers, retail and wholesale, began to organize more effectively for their protection into

[21] *Sentinel* (semi-weekly), May 8, 1872. ". . . thus by its extinction, relieve the country from the curse of a numerous horde of officers whose conspiracies and frauds demoralize the public mind, and who are harassing and plundering the people, and by their extortions falling on the hard earnings of a helpless, impoverished, and oppressed community."

[22] *North Carolina Democratic Handbook*, 1882, p. 10.

[23] *Laws of North Carolina*, 1869, p. 706.

[24] *Ibid.*, 1871, p. 468.

[25] "United States Internal Revenue Reports," *House Executive Documents*, 46 Cong., 3 Sess., Vol. 14, p. 24.

[26] *Loc. cit.*, and also 47 Cong., 1 Sess., No. 4, p. 22.

larger and larger groups, in an age characterized by monopolistic organization. Presently there arose a liquor trust which, it was freely charged and generally believed, controlled the industry from top to bottom. As the saloon was the visual expression of the liquor trust, it was criticized not only for its many social sins but as a "monopoly," and in North Carolina as a "foreign monopoly."

In the second place, the system was closely associated with politics. The liquor trust, in at least one respect a product of the high taxes, frequently controlled or attempted to control the liquor laws in town, county, and state governments. Quickly sensing this back-stage and under-cover control, the temperance reformers eagerly accepted the challenge. And in another respect, as already suggested, the revenue system was identified with politics. As the officers until 1885 were members of the Republican party, the Democrats, thinking in terms of their political influence through the lucrative jobs, rarely lost an opportunity to denounce both the officers and the system. The temperance reformers, on the other hand, favored the high liquor tax. Finally the Democratic party cleverly endorsed prohibition both to eliminate the Republican revenue office holders and to keep within its ranks the ever-growing group of voters who believed in the efficacy of outlawing the liquor traffic.

In the third place, the internal revenue system gave valuable experience in enforcement. The opposition to liquor laws revealed not only something of the extent of the illicit traffic but also disclosed some of the problems relating to its manufacture and distribution.

In addition to launching the revenue system, the Civil War and its aftermath had a manifest bearing upon the nature and progress of the moral-suasion movement and, more particularly, upon prohibition. During the War temperance societies were generally neglected. Gorman, an outstanding leader, had become associate editor of the *Daily Confederate*.[27] With the return of peace, temperance leaders unwilling to see reëstablished the old Sons of Temperance started a new society with a distinctly Southern origin. At Petersburg in Virginia, June 25, 1867, delegates from Virginia and North Carolina founded a Supreme Council of the Friends of Temperance. In organization it was similar to the former order, with a ritual including secret words, grips, and symbols. It likewise retained the insurance features which required the payment of dues.[28] Characteristic of its Southern origin, membership was limited strictly to white persons.

A State Council was founded in North Carolina, and it soon had local councils in many places. Despite the political confusion and unsettled

[27] Reverend R. H. Whitaker, *Whitaker's Reminiscences, Incidents, and Anecdotes*, p. 16. Not all the temperance work stopped with the War. The Pleasant Hill Temperance Society regularly held meetings, MSS Minutes of Pleasant Hill Temperance Society, 1861-1865, *passim*.

[28] J. W. Wellons and R. L. Holland (comp. and ed.), *Life and Labors of Rev. William Block Wellons*, p. 167.

conditions during 1869 and 1870, the councils steadily increased in number and in membership, surpassing almost if not entirely all other temperance societies.[29] At the time of the meeting of the State Council in 1870, ninety-four subordinate councils had been organized with an aggregate membership, composed largely of women, of about 5,000.[30] Continuing to grow, the order added in 1872 thirty councils with 1,000 members; and in 1876,[31] reaching its maximum size, it reported more than 274 societies with a membership of approximately 11,000.[32] From this time decline was rapid. After taking an active part in the movement for state prohibition in 1881, the society virtually died. Its official newspaper was the *Friend of Temperance*, owned and edited by Reverend and Mrs. R. H. Whitaker, though the latter did most of the writing.

Beginning similarly to the Friends of Temperance and operating within a restricted area, a number of societies were organized in the Southern states. In 1871 an effort was made to unite these various orders into one powerful Southern society. In pursuance of this policy its promoters founded at Chattanooga, Tennessee, in 1871, a new organization called the United Friends of Temperance.[33] Although many local societies in North Carolina subsequently identified themselves with it, the movement was unsuccessful. After several conferences in 1873 for the purpose of a merger with the Friends of Temperance, the leaders of the latter council agreed to adopt a similar pledge and common ritual, but they would not agree to surrender the name of their society, claiming that this would necessitate the expense of buying new regalia and the trouble of getting a new charter.[34] Frustrated, the United Friends of Temperance disintegrated and soon disappeared.[35]

The Independent Order of Good Templars, which had been started in New York in 1851, was first introduced into North Carolina in 1872.[36] Differing from other contemporary organizations, it was strictly a temperance order without insurance benefits. Its leaders, prominent among whom were Reverend T. H. Pritchard, N. B. Broughton, and T. N. Ramsay, usually stressed the moral and religious phases of temperance.[37] From the first the Good Templars met with a favorable response, and within a year more than seventy lodges had been organized, comprising a membership of about 5,000. The largest lodge, which had about 500 members, was in Raleigh.[38] *The Spirit of the Age*, with T. N. Ramsay as editor, was revived, to become the official organ of the society.[39]

[29] *Friend of Temperance*, October 27, 1869.
[30] *Proceedings of the 4th Annual Session of the North Carolina State Council Friends of Temperance*, 1870, p. 8; see also *Sentinel*, December 6, 1870.
[31] *Southern Home*, November 25, 1872.
[32] *Friend of Temperance*, June 26, 1876. In 1877 there were 290 chapters, according to Ernest H. Cherrington, *Anti-Saloon League Year Book*, 1925, p. 124.
[33] John G. Woolley and William E. Johnson, *Temperance Progress of the Century*, p. 112.
[34] *Sentinel*, June 29, 1873.
[35] Woolley and Johnson, *op. cit.*, p. 112.
[36] *Raleigh News*, August 8, 1876.
[37] *Sentinel*, September 12, 1873.
[38] *Ibid.*, November 19, 1873.
[39] *Ibid.*, September 11, 1873.

Considerable jealousy arose between the Friends and the Templars. The leaders of the former felt that since their society was of Southern origin and had first been instrumental in gathering up the remnants of the ante-bellum orders, they were entirely capable of carrying on in a satisfactory manner all the temperance work within the state. The Good Templars, a national order unincumbered with insurance payments, usually had more money to spend, and, consequently, waged a much more aggressive campaign for members which was accompanied usually with pageantry and parades.

The first open break was occasioned by the race question. While the Good Templars was supposed to be an interracial society, a concession which allowed separate lodges for colored people had been made to the Southern states.[40] Even this arrangement did not work smoothly. To bring discredit and division the *Friend of Temperance* charged, with truth, that the colored Good Templars of North Carolina sent up a complaint to the Right Worthy Grand Lodge to the effect that white Templars refused to give the colored lodges the password.[41] Never losing an opportunity mildly to ridicule, the Friends termed some of the plans of the Templars visionary and impracticable. When Ramsay announced that he was ready to carry the flag of temperance to Africa and asked for contributions, he was dubbed the "Temperance Apostle."[42] Ramsay's aggressiveness, however, did not go unrewarded; he was sent as a delegate to the international conference of the society held in London in 1873.[43] Despite some of its impracticable plans, the Good Templars did yeoman temperance work, being generally composed of honest and sincere members. Like the earlier society, it lost most of its members as a result of the passions aroused by the prohibition election of 1881 and thereafter was consolidated with that society.

During the seventies and eighties many local temperance societies were organized which did not affiliate with any county, state, or national order.[44] In an article entitled "Lying about Loose," the *Friend of Temperance* sponsored a movement to organize individuals into societies with pledges similar to the old Washingtonian. "What we are after is not so much the building of our order," the paper said, "but the propagation of temperance principles."[45] Cited as an example of an independent society that was doing its "mission of mercy in that city," was the Marine Temperance Society of Wilmington.[46]

[40] *Raleigh News,* January 28, September 18, 1873; see also *ibid.,* August 5, 1873.
[41] *Ibid.,* January 28, 1873.
[42] *Raleigh News,* September 15, 1873: "Down with the cash brethren, Ethiopia stretches out her hands to the North Carolina Temperance Apostle. Let him fly to the rescue! Africa must and shall be reconstructed." See also *Sentinel,* August 17, 1873.
[43] *Sentinel,* August 17, 1873.
[44] *Daily Review,* August 1, 1879.
[45] *Friend of Temperance,* November 10, 1869.
[46] *Ibid.;* see also *Daily Review,* June 10, 1878, January 20, 1880; MSS Minutes of the Pleasant Hill Temperance Society. This famous society continued to hold its quarterly meetings during this period. *North Carolina Standard,* May 7, 1870.

Nevertheless the temperance societies after the Civil War did not play the part in the prohibition movement they had played during the former period. There were a few leaders who expected the fight against spirits to continue along familiar lines and energetically organized societies during the seventies. For a time considerable interest was aroused, but moral suasion and pledge-signing were left principally for the women and those who were anxious to join a group for social entertainment. Very soon these conservative reformers were almost if not entirely overshadowed by another movement more powerful and significant in its scope—legislative prohibition. Although its legal and psychological origins were mixed, there were certain obvious trends which gave character to the movement.

Even by 1860 moral suasion had spent its force, and the reformers were experimenting more and more with prohibitory laws. The Civil War, as already pointed out, gave a dynamic impetus to prohibition, first through the valuable lessons of certain laws and, second because of a high internal revenue tax on liquor. The latter helped to give the postwar movement its anti-saloon propensity. Altered social, political, and economic conditions had changed or were changing the fundamental outlook of the people. Temperance leaders, as they were called, no longer feared the opposition and sneers of the political leaders, for charges of bigotry and fanaticism carried less weight. An exhaustive and bloody war had been fought and lost under the leaders of the old regime; and now there seemed to be a subconscious, if not open, determination on the part of the masses to follow gods of their own making relative to the traffic in intoxicating liquors. This determination was all the more strengthened by the fact that a very different situation now faced the people of North Carolina in the race problem.

Before the War slaves were not allowed to purchase liquors without their master's consent, but now the Negro was a free man and could buy liquor as readily as the white man if he had the money. Taking advantage of his new-found freedom, he often drank to an excess, and public drunkenness was not uncommon. Staggering down the street he might be promptly arrested; along the country highway he might continue unmolested. Besides, liquor gave to the Negro a feeling of being equal or superior to the white man, an attitude intolerable in the South. Moreover, it made him unreliable as a laborer, quarrelsome in his disposition, and susceptible to petty crimes and violent outrages. The presence, therefore, of the freedman aided prohibition reform. People who before the War would have regarded prohibitory legislation as invading the field of their private rights now lent hearty coöperation for prohibition to keep liquor away from the Negro.[47]

The Negro as a factor in the movement should not be overempha-

[47] R. D. W. Connor, *North Carolina, Rebuilding an Ancient Commonwealth*, II, 563.

sized. The only scientific study of this question concluded: "The Negro has been an inconsiderable factor in the prohibitory movement in the South, because the saloon has been abolished and retained in the communities of the South without apparent reference to the presence of the Negro."[48] In the eastern North Carolina counties with their large Negro populations there has been apparently less opposition to the traffic; the prohibition sentiment has been stronger in the Piedmont and mountain counties. In these western counties, for reasons which need not be listed here, there has been, however, more hostility to and fear of the Negro than in counties of the East. Thus it may be concluded that the Negro issue was more psychological than physical.

The true explanation of the mounting sentiment for prohibition cannot be found only in opposition to the saloon, but in deep social impulses against drunkenness and in suffering caused by intemperance. Isolated rural sections without police protection became subject now to the lawlessness and base "cussedness" of both races. The feeling of insecurity, both real and imaginary, of many a man for his wife and children and the ever-present terror on the part of many a mother for the bodily safety of herself and her daughters must be considered fundamental causes for the desire for the abolition of the liquor traffic. The unsettled and lawless period which prevailed as a result of Reconstruction and the feeling of social inadequacy caused by the loss of the War and the blunders of Reconstruction made many people, especially the rural people, more willing to accept the dry propaganda that prohibition would bring greater happiness and more security. As much of the trouble centered among the illiterate and less well-to-do classes, black and white, prohibition was a short cut to universal education for social responsibility. And it was around this idea that the battle was fought. The prohibitionists defined their cause as a movement in democracy, but their opponents branded it as the very antithesis of democracy.

At its outset and thereafter the renewed crusade was a petition movement for legislative or legal prohibition against the saloon. No other issue in the history of North Carolina has been the occasion for presenting so many petitions to the legislature.[49] In fact, if the importance of prohibition were to be measured only in terms of the number of petitions presented, no other issue ever attracted one-tenth as much interest. At first more petitions came from the towns, but quickly those from the country far outnumbered them, and the movement could, in many respects, be called rural-prohibition. Twenty petitions were presented to the legisla-

[48] Leonard S. Blakey, *The Sale of Liquors in the South*, pp. 27-28. Dr. Blakey's conclusion: "There is then in this analysis no indication that the prohibitory movement in the South had been due to the presence of the negro." It should be stated that all of Dr. Blakey's conclusions were based upon objective data and no attempt was made to analyze subjective materials. Often what people think is not illustrated in an election in which the issues are confused.

[49] MSS in Legislative Papers, 1800-1941, *passim.*

ture of 1871-1872 from widely scattered sections, some asking for laws prohibiting the sale of liquor near schools and churches, some for prohibition within a township, and some for state-wide prohibition. More than half of these came from towns.[50] In the next session the petitions were about evenly divided between country and town.[51] Thereafter those from the rural sections far outnumbered those from the towns.

The first important step toward legal prohibition after the Civil War was taken in 1874 when the legislature passed an act to prohibit the sale of spirituous liquors in townships where the people so determined.[52] This first local-option law, enacted in the Senate by 32 to 10,[53] and in the House by 64 to 37,[54] required the county commissioners, upon petition signed by one-fourth of the qualified voters of any township, to order an election on the first Monday of May[55] to ascertain whether or not spirituous liquors[56] were to be sold in the township. If a majority of the votes cast in such an election were for "prohibition," then it would be unlawful for the county commissioners to grant licenses to saloon keepers. The sheriff was required to hold the election in the usual manner and report the results to the register of deeds.[57] In 1881, the privilege of this act was extended to the county, which upon demand of one-fourth of the qualified voters could hold an election for the purpose of abolishing the saloon.[58] An additional victory was won by the reformers when the law specified that if any township cast a majority of its votes for prohibition the commissioners were not allowed to issue licenses for that township, regardless of the results of the election in the whole county.[59] Prohibition having been established by a vote, it could not be repealed within a year; thirty days' notice must be given of an election for repeal or for voting prohibition.

Along with this general local-option law, the legislature met the demands of the prohibitionists by two other methods: first, local-prohibition-through-special-legislation and second, optional-local-prohibition-through-special-legislation. Both of these methods were used before the Civil War, but after it only nominally until the session of 1872-1873. Prior to

[50] MSS in Legislative Papers, 1871-1872.
[51] *Ibid.*, 1872-1873.
[52] *Laws of North Carolina*, 1873-1874, ch. 138, p. 222.
[53] *Journal of the Senate*, 1873-1874, p. 473.
[54] *Journal of the House*, 1873-1874, p. 485.
[55] The date was changed to "Thursday in June" by an amendment to this act passed in 1877; *ibid.*, 1876-1877, ch. 259, p. 481. Made "August" in 1881, ch. 262, sec. 1, p. 489.
[56] The words "vinous and malt" were added in 1877.
[57] This provision has made a careful summary of the results of these elections a task beyond the time and means of this study. These records could be found only by visiting all the counties and there searching in the courthouse among voluminous county records. Newspapers of the period did not mention these elections.
[58] *Laws of North Carolina*, 1881, ch. 262, p. 488.
[59] A study of the results of elections held under this act will be made in ch. VI, *infra*.

that time only three towns—Lenoir in Caldwell County, Swansboro in Onslow, and Crown Point in New Hanover—were made no-license territory by the method of local-prohibition-through-special-legislation.[60] Just as significant were the laws enacted at this session which allowed fifteen towns optional-prohibition-through-special-legislation.[61]

The amount of interest during this period as expressed in the petitions, laws, and local elections for prohibition was simply amazing, although the newspapers largely ignored it. From 1872 to 1881 the legislature made no-license territory of the areas of 1 to 5 miles radius with 100 churches and 795 schools as centers. During the same period 68 towns were declared dry by law, and 24 towns were permitted to hold elections on saloons.[62] Six townships received special laws on this issue, three of which provided for prohibition and three for elections. One county, Henderson, was also made dry territory by special legislation. Indicative of the drift of sentiment, only seven towns asked the legislature to repeal their prohibition laws, and in each case the request was granted.

The general state-license system for the saloon remained, with the county commissioners taking the place of the old county court. Passed in the session of 1869-1870, a law required every person desiring to sell spirituous or malt liquors, wines, or cordials in quantities less than a quart to obtain a license good for one year.[63] Vesting the commissioners with extensive power, the law declared they "may grant or refuse, at their option" the license. The tax per year for the license was twenty-five dollars for spirituous liquors and fifteen dollars for malt liquors. By 1881 every person who sold in quantities less than a gallon was required to have a license, and the tax was increased to sixty dollars and thirty-six dollars, respectively.[64] Strengthening the system further, the statute authorized any druggist, grocer, or other person who sold liquors in any quantity to have a license if any portion of the liquors were drunk on the premises where sold.

[60] *Laws of North Carolina,* 1872-1873, *passim.*

[61] Sparta, Alleghany County; Morganton, Burke; Shelby, Cleveland; Kenansville, Duplin; Franklinton, Franklin; Waynesville, Haywood; Statesville, Iredell; Mooresville, Iredell; Court House, Macon; Durham, Orange; Shoe Heel, Robeson; Brevard, Transylvania.

[62] *Laws of North Carolina,* 1872-1881. These statistics were compiled from the laws passed during this period.

[63] *Ibid.,* 1869-1870, ch. 229, pp. 302, 304.

[64] *Ibid.,* 1881, ch. 116, p. 191.

CHAPTER V

THE PROHIBITION ELECTION OF 1881 AND ITS AFTERMATH

The popular referendum in North Carolina on the question of state prohibition in 1881 was the most important single incident in the movement to reform the liquor laws before the passage of the Watts law in 1903. Despite the fact that other states were experiencing similar agitation, the movement in North Carolina had very little connection with what was taking place elsewhere. Just as in 1852 and 1854, the demand for such a prohibition law grew out of the social and, more specifically, the legal efforts of society to correct the evils connected with the traffic in intoxicating liquors.

The origin of the demand for the election must be sought, therefore, in the movement to outlaw the saloon. The question of restricting or abolishing the saloon by legal means had been agitated, debated, endorsed, and condemned in virtually every community. Petitions, signed by hundreds of earnest men and women, asking for state prohibition, had been pouring into the General Assembly in an ever increasing number since 1870. These petitions were in addition to those demanding statutory prohibition around churches and schools and in towns.

Sentiment for state prohibition was crystallized by religious organizations, led by socially-minded ministers. To the annual State Conference of the Methodist Episcopal Church South, held at Wilson, December, 1879, the Grand Lodge of Good Templars addressed a communication asking the Conference to memorialize the next legislature to prohibit the sale of "ardent spirits" in North Carolina. Whereupon the conference took the following action:

> Whereas, we believe the liquor traffic to be the greatest source of evil and crime, doing more to impede the material, intellectual, and moral progress of our State than any other one thing: Therefore,
>
> *Resolved* 1st, That as a Conference we most respectfully request that those who may be honored with seats in our next Legislature shall take into consideration the propriety of enacting a general prohibitory liquor law.[1]

This step was the first important action taken by any powerful and influential denomination in North Carolina toward state-wide prohibition. A more important step, however, was to be taken during the next year, when both the Methodist and the Baptist churches threw their great influence and organized power back of prohibition.

[1] *Minutes of the North Carolina Conference of the Methodist Episcopal Church South* (1879), p. 21.

In the meantime, other events made almost certain a demand for such a law. Early in March, 1880, the Liquor Dealers' Association of North Carolina decided to memorialize the special session of the legislature (held in March of that year and called for the purpose of deciding whether the Western North Carolina Railroad should be sold) for a reduction of the five per cent tax imposed on all liquor dealers of the state to a tax of one-tenth of one per cent, the amount that was levied on all other merchants.[2] The liquor dealers did not get all the reduction asked for from the special session, but reductions were made which more than repaid the Association for its organized efforts. The tax on the value of liquors sold was reduced to one-half of its former rate, and the state license tax, formerly $60, was reduced to $30.[3]

The organized request of the Liquor Dealers' Association and the subsequent compliance of the legislature precipitated a crisis. The *North Carolina Presbyterian,* a paper that before August, 1880, did not advocate state prohibition, sounded the alarm in a long editorial entitled, "The Burning Question."[4] A few months later this paper called the act of the legislature in lowering the liquor tax an "act for the promotion of vice." The action of the legislature was taken as absolute proof of the charge, frequently made, that the liquor dealers exerted an enormous influence on all legislation. While the liquor dealers were only trying to save themselves from the higher tax, they manifestly took advantage of the excitement aroused over the railroad controversy to push through an act favorable to them. In view of the extra expense entailed by the prohibition campaign, their policy was very shortsighted. The manifestation now of just what had been freely charged before—political influence—almost resulted in their complete undoing. The reaction of many temperance advocates to the action of the legislature was expressed by a correspondent of a religious paper when he wrote that it should be "clearly understood hereafter that caucuses and conventions may nominate men who have given themselves such a record, but they cannot compel our votes; that our influence is more potent than that of the cross-road grog-dealers. The liquor traffic must be handled with gloves off. It is monstrous, rapacious, impudent, conscienceless."[5]

Events moved rapidly. The Baptist State Convention, holding its sessions in November, a week or two before the Conference of the Methodist Church, followed the lead of the latter and took a stand for state

[2] *Daily Review,* March 10, 1880. The editor was in error when he stated that the tax was ten per cent on all liquors sold. *Laws of North Carolina* (1879), ch. 70, p. 86.

[3] *Laws of North Carolina* (Special Session, 1880), ch. 51, p. 96.

[4] March 17, 1880; see also August 25, 1880: "The country is scarcely ready for a general prohibition measure."

[5] *Ibid.,* July 21, 1880, article signed by "J. W. P."

prohibition. After defeating a long resolution on the subject,[6] the convention adopted the following:

Resolved, That the Board of Missions be instructed to memorialize the next Legislature of North Carolina to pass a law to prohibit the making and selling of spirituous or malt liquors within the bounds of the State of North Carolina.[7]

The Methodist Church, at its state Conference held at Winston, December, 1880, came out flatly and unequivocally for state prohibition. But it did not stop at this; it agreed to sponsor a petition movement among its members for the purpose of influencing legislative action. The report adopted summarized the reasons for such a law thus:

Whereas, the sale of alcoholic liquors, as a beverage, is not, in any sense, necessary to the well-being of society, but on the contrary, productive of a great deal of moral and social evil; educating the youth of our land down to drunkenness and other vices; producing poverty and crime throughout the country and such moral obliquity as greatly retards the cause of Christ;

And, Whereas, moral suasion is inadequate to remove this incubus from society, because there are those in every community who will visit the open saloon, and induce others to do likewise, thereby perpetuating patronage and consequently the traffic;

And, Whereas, legal prohibition is being resorted to in other States and in portions of this, and is found to be the most effective means that has ever been adopted for the extirpation of intemperance.[8]

During the latter part of December, a few days after the adoption of the above report, a committee of prominent temperance workers was called, mainly through the efforts of Reverend Roger Martin of Lumberton, to meet in Raleigh for the purpose of devising ways and means best to prosecute the campaign already begun.[9] As a result of this meeting, the committee issued a circular, calling a temperance convention to meet in Raleigh, January 12, 1881, and requesting that temperance advocates hold local conventions to elect delegates and that these delegates bring with

[6] The long resolution was mainly an attack upon the revenue system in Western North Carolina and the practice of making liquors from grain needed for other purposes. It also proposed a petition movement by the church.

[7] *Minutes of the Baptist State Convention* (1880), p. 41.

[8] *Minutes of the North Carolina Conference of the Methodist Episcopal Church South* (1880), p. 15. Adopted December 5.

While these two denominations took the lead for state prohibition, the North Carolina Synod of the Evangelical Lutheran Church endorsed the movement in April, 1881: "*Resolved*, That the Evangelical Lutheran Synod of North Carolina now in session, heartily endorse the prohibition movement in this State and extend to said convention its earnest sympathy and coöperation." The resolution was addressed to the "Temperance Convention" of that date. *Minutes of the N. C. Synod of the Evangelical Lutheran Church* (1881), p. 12.

[9] P. L. Groome, *Where Cowards Fail and Why*, p. 2; see also MSS Minutes of the Pleasant Hill Temperance Society, December 25, 1880, in the North Carolina Historical Commission. A committee was appointed to circulate petitions.

them petitions from their respective communities.[10] As a consequence of the circular, county and township meetings, attended by both white and black people, were held, and delegates were chosen to the convention.[11]

The prohibition convention met on the appointed day. It was composed of about two hundred delegates from all sections, including many of the leading men of the State, among whom were Judge E. G. Reade, Judge A. S. Merrimon, R. R. Stamps, W. S. Bell, Dr. T. E. Skinner, Col. L. L. Polk, Julian S. Carr, and many others.[12] The convention was called to order by Judge Reade and opened with prayer by the Rt. Rev. Bishop T. B. Lyman, of the Episcopal Church. Permanent organization was effected, with H. A. Gudger, president; Bishop Lyman, S. H. Manning, and others, vice-presidents; Rev. R. H. Whitaker, J. S. Hampton, T. B. Eldridge, E. L. Pell, and Charles N. Hunter, secretaries; and John E. Ray, treasurer.[13] A steering committee was appointed to recommend a course of action.

Before the committee was ready to report, several keynote speeches were made, the most noteworthy being those of Judge Merrimon and Dr. Skinner. Merrimon declared that the question before the convention was one of momentous magnitude and that the legislature should protect society from the ravages of the evils caused by the intemperate use of intoxicating liquors. He said that he had been practicing law for twenty-eight years, and that nine-tenths of the cases in his practice had been brought about by liquor. North Carolina spent each year, he felt safe in saying, $5,000,000 for liquors and only $350,000 for education. The question should be kept out of politics, he advised. In his opinion, "the liquor traffic was the crowning temporal curse of humanity; it was worse than war, pestilence, and famine all combined." Dr. Skinner in his speech explained the kind of law desired. Because many people doubted the constitutionality of allowing the people to vote on the ratification of a law, he suggested an amendment to the Constitution or a straight-out prohibition law by legislative enactment.[14]

The question of the constitutionality of an election called by the legislature to ratify or reject a law was about the only cause for disagreement in the convention. Finally, after considerable debate, the following resolution "was adopted with great unanimity":

[10] *Carolina Watchman,* January 6, 1881. See also *Kinston Journal,* January 6, 1881; *Daily Review,* January 15, 1881; *North Carolina Presbyterian,* January 5, 1881.

[11] *Daily Review,* December 31, 1880; January 5, 8, 10, 1881; *North Carolina Presbyterian,* January 5, 1881; *Carolina Watchman,* January 6, 20, 1881. "Organization of the 'Liquor Law Association' in Raleigh with ex-Judge Reade as President and a corps of officers comprising the best men in the state, shows conclusively that the determination to force the legislature to take some decided action is widespread and earnest." *Tarboro Southerner,* January 6, 1881.

[12] *News and Observer,* January 13, 1881; *Asheville Citizen,* January 13, 1881.

[13] *News and Observer,* January 13, 1881.

[14] *Carolina Watchman,* January 20, 1881; *News and Observer,* January 13, 1881; *Asheville Citizen,* January 13, 1881.

Resolved, That the General Assembly of North Carolina be respectfully requested to pass an absolute and unqualified prohibition law, imposing penalties for the manufacture and sale of intoxicating liquors as a beverage.[15]

After adopting an "Address" to the legislature and recommending that county conventions be held and that steps be taken to circulate petitions, which were to be forwarded to Dr. Skinner, who was named as chairman of the business committee, the convention adjourned *sine die,* after having been in session for two days.

The "Address" to the legislature said: "In view of this overwhelming manifestation of the popular desire, and in order to give expression to it, measures were taken to call a Convention which represents the whole State. This was only some two weeks before the meeting of your honorable body; yet the call was sent out, and, to use the language of an influential paper in our largest city, Wilmington, the uprising in its favor was 'volcanic.' "[16] Continuing, it stated that public opinion was ready for prohibition, and cited as proof the action of the Baptist, Methodist, and other churches; the spontaneous assembling of a large temperance convention; the recommendations of the governor; the unanimous endorsement by the Grand Lodge of Colored Masons; and, finally, the stand of all the religious and most of the secular papers. A new element was introduced when the "Address" stated that the United States internal revenue tax of 90 cents per gallon on whiskey was likely to be removed at any time. "If liquors were 25 cents a gallon, with our mixed population, and the passions and prejudices of races, and our small and unprotected families, who can contemplate the probabilities without horror?"[17]

The convention and its action were watched with increasing interest by the press of the State.[18] The *News and Observer,* a paper passively opposed to the proposed law, said the convention was "not only respectable in point of numbers, its personnel was extremely fine . . . men of the highest character and great influence because of their personal worth and sterling virtue. Its assembly marks an important step in the history of North Carolina."[19] The *North Carolina Presbyterian* said it was a body of 280 accredited delegates, whose number afterwards grew to 400, without resources or emoluments. "It was not a 'Preachers movement,' " continued the paper, "nor was it a 'Good Templar movement.' It was in every sense a people's movement. Farmers, lawyers, merchants, teachers, physicians, educated Christian people, from all over the State, not self-appointed, but bearing the petitions of hundreds and thousands of

[15] *Loc. cit.*
[16] *Public Documents of North Carolina* (1881), No. 23, p. 2.
[17] *Ibid.,* pp. 4-5.
[18] *Asheville Citizen,* January 13, 1881; *Goldsboro Messenger,* January 24, 1881. The latter said: ". . . the agitation has become irrational on the part of some of the persons who are leading the crusade." The editor suggested increased restrictions on the traffic, rather than prohibition. It is also noteworthy that the editor did not very violently attack the "leaders."
[19] January 13, 1881.

people."[20] The *Charlotte Observer* warned that the issue of prohibition "could not and would not be kept out of politics," despite the fact that members of each party were encouraging the movement. The leaders, said the paper, were not the *active* members of either party.[21]

Governor Jarvis took official notice of the demand for prohibition when he declared in his message to the General Assembly that there was "sold in the State another poison which numbers by the thousands its victims slain, debauched, degraded, impoverished, wrecked, or made miserable and heartbroken."[22] He did not, however, recommend that the legislature pass a state-wide prohibition law, although he thought something should be done to relieve the intolerable situation. The laws prohibiting the selling of liquor on Sunday and to minors were violated with impunity, and he thought the whole system needed readjustment. Specifically he recommended a higher tax for licenses, a stricter supervision of the practice of granting licenses by giving the county commissioners the unrestricted power to refuse them,[23] greater publicity of the liquor laws by having them printed and widely distributed, and an increase in the fines and punishments for those who broke them. The question of state-wide prohibition he would leave to the judgment and action of the General Assembly.

Whatever might have been the opinion of the members of the General Assembly regarding this much debated problem, it soon became evident that, with the avalanche of petitions pouring into Raleigh, they were willing to let the will of the people be done. In the general excitement accompanying this great expression from the people for a state prohibition law, rumors of the number of petitions already presented to the legislature and of those to come caused their number to be variously estimated.[24] The *News and Observer* thought that the "aggregate number of petitions thus far cannot fall short of 200,000."[25] As a matter of fact, more than 100,000 voters and about 50,000 women had signed petitions asking the legislature to pass a state-wide law, and about 40,000 additional signers asked for laws prohibiting the sale of liquor near churches.[26] All seemed to realize that a prohibition law in some form would be passed. The chief disagreements were among the prohibitionists themselves—disagreements

[20] February 2, 1881.
[21] January 27, 1881.
[22] *Public Documents of North Carolina* (1881), No. 1, p. 31.
[23] In one of the important decisions before the Civil War, the Supreme Court of North Carolina held, Judge Ruffin writing the opinion of the court, that the county court did not have power to refuse all applicants for license. Attorney General *v.* Justices of Guilford, 27 N. C. 315.
[24] *Asheville Citizen*, February 24, 1881. "Petitions with the signatures of some hundred thousand voters, and more than a hundred thousand women and children."
[25] February 18, 1881. "The movement in favor of prohibition in North Carolina has proceeded until its proportions are beyond any reasonable anticipations. Similar exertions in behalf of temperance have been made elsewhere, but in no other state have we known such monster petitions to be presented to the Legislature."
[26] MSS in Legislative Papers, 1881.

that caused heated debates before the joint committee. Some wanted a general prohibitory law, with home-made wines and beer excepted; others wanted absolute prohibition, with the provision that the people ratify the law at an election held for that purpose; and then there was the recommendation from the convention that an absolute prohibition law be passed without the election clause.[27] Finally a compromise bill was agreed upon; and, after being amended in certain particulars by the legislature, it passed the House by a vote of 61 to 49[28] and the Senate by a vote of 28 to 10.[29]

The law prohibited entirely the manufacture of spirituous and malt liquors, wines and cider excepted, within the boundaries of the State.[30] The sale of liquors was prohibited except for medical, chemical, and mechanical purposes; and only druggists, apothecaries, and physicians could sell for such purposes after they had been granted licenses. No sale was to be for more than one gallon, unless the purchaser presented a written certificate from a practicing physician who was not a licensed dealer. Penalties were provided for violation, misrepresentation, and false sale; a record, which was to be open for inspection, was to be kept of all sales.

The statute further provided that the law was to go into effect October 1, 1881. In the meantime an election was ordered to be held on the first Thursday in August, to allow those favoring the prohibition law to vote a written ballot with the words "For Prohibition," and those opposing, "Against Prohibition." If a majority of the votes cast were "Against Prohibition, then and in that case no person shall be prosecuted or punished for any violation of this act."[31]

The first reaction of the prohibitionists to the law was not very favorable. The *North Carolina Presbyterian,* expressing the opinion of the straight-out prohibitionist, said: "This clearly is not a prohibition bill, still it is an immense stride in the direction of prohibition. It gives the question to the people encumbered with a heavy load. . . . If we can carry *this bill* through, prohibition as a thing of the future is secured."[32] Two of the provisions were especially open to attack. In the first place, the temperance workers felt that in effect the change in the manner of sale

[27] *Carolina Watchman,* March 3, 1881, quoting the *Charlotte Observer.*
[28] *Journal of the House* (1881), p. 569.
[29] *Journal of the Senate* (1881), p. 542.
[30] *Laws of North Carolina* (1881), ch. 319, p. 554.
[31] *Ibid.* (1881), ch. 319, pp. 554-555. This peculiar wording was adopted in an effort to make the election constitutional. The Supreme Court subsequently declared (State *v.* Henry Poteat, 86 N. C. 612) that the law did not go into effect October 1, because the two parts, law and punishments, must stand together.
[32] March 16, 1881. Other papers expressing a similar opinion: *Charlotte Democrat,* March 18, 1881: "The proposed law is not exactly such an one as we would like to see submitted to the people, but we shall vote for it if we live to see the day of election." *Kinston Journal,* May 17, 1881: "We are inclined to think Prohibition has a heavy load to carry in the clause which absolutely prohibits manufacture." *Charlotte Observer,* March 15, 1881: "The weakest point in the bill is that which provides for the sale of liquors by druggists."

substituted the drug store for the saloon, and the saloon would soon be reëstablished under a different name. But the clause that displeased many, both temperance advocates and Republican politicians, was that which removed from the state the need for the internal revenue officers, then under the control of the Republican party. Liquors could be sold in the state for certain purposes, but could not be manufactured, thereby giving a monopoly to foreign liquor manufacturing concerns, and, of course, destroying the necessity for the revenue officers. To the charge that the law was more politics than temperance, the *News and Observer*, Democratic, had only to say: "Without doubt it would be an advantage to our people to be freed from the corrupting influence of those internal revenue officers who debauch our young men and use their offices to cloak crime and practice fraud."[33]

The campaign was opened by the temperance forces with a grand prohibition rally in Raleigh, April 27.[34] Delegates numbering more than 450 were present, coming from all sections of the state, from all occupations of life, from both races, and from both political parties. The chief attraction was an address by Governor Jarvis in which he came out unequivocally for prohibition. He declared: "The public think, no doubt, that I belong to that class of politicians that regard this question as a ticklish one. . . . I would be false to the 1,400,000 people of North Carolina if I remained silent."[35] After affirming that the issue was not a party one, he asked for public education for both races, a condition which would promote temperance. Then Governor Jarvis made one of the most quoted and most significant statements of the campaign:

> There is not a day that I do not have some painful appeal for clemency, growing out of intemperance. There is now on my table a petition asking that a man, once a prominent physician, who, in a fit of drunkenness, made a most brutal attack upon his wife, be pardoned out of jail where he now lies a prisoner. Yet this is but one of hundreds. My observation leads me to know and assert that for every dollar received as taxes for the sale of liquors, ten dollars go out of the public purse.[36]

Growing out of a resolution adopted at the rally, requests were mailed

[33] April 3, 1881. The *North State*, April 28, 1881, Republican paper of Greensboro, had this to say of politics and the tentative law: "It is not by reason of indifference that we have held our peace on this great popular movement in our State. We have waited to see into what shape the rising of the people would crystallize in the hands of our wily legislators. On the tentative law that is now before the people for their sovereign disposition, we have no criticism to offer." This paper, in fact, was opposed to any prohibition law.

[34] *News and Observer*, April 28, 1881.

[35] *Carolina Watchman*, May 5, 1881.

[36] *Loc. cit.*, see also *News and Observer*, April 28, May 26, 1881; *Goldsboro Messenger*, May 5, 1881; *Greensboro Patriot*, May 4, 1881.

The last sentence in the above quotation of Governor Jarvis, coming from a man who was not given to making exaggerated statements, was the keynote of the campaign. He was not convinced that the proposed law would solve the liquor evil, but he said that he believed the enormity of the problem warranted a try.

to all the county commissioners asking them to refuse to license any more liquor dealers until after the August election.[37] As a result of these requests and in conformity with the revenue law of the last session of the General Assembly, which followed the recommendations of Jarvis and gave to commissioners absolute discretionary power, many counties for several months were without licensed saloons.[38]

Four or five towns, not being willing to wait for the August election, made the question of licensing saloons the predominating issue in their municipal elections. In this movement Charlotte took the lead, and the municipal officers were nominated on either a "license" or a "no license" ticket.[39] On election day, which was "surprisingly quiet, considering the nature of the issues involved," DeWolfe, representing the prohibitionists, won over his opponent, William Johnston, by a majority of 25 votes.[40]

During March, April, and the first part of May, the chances for the success of the prohibitionists continued bright. Seemingly there was not much opposition. After the prohibition rally in Raleigh, county conventions were called, rallies with speeches were held, parades of children were staged, and everywhere the prohibitionists were organizing for victory.[41] If the election had been held in May, the vote would probably have been very close. However, after the first enthusiasm had somewhat cooled and disagreements had begun to occur in the ranks of the reformers, the liquor dealers suddenly took the initiative against prohibition.

Early in May five liquor dealers mailed out from Raleigh a circular addressed "To the Liquor Dealers of North Carolina," in which was outlined a plan of organization.[42] It was suggested that associations of liquor dealers be formed in every county and that each association appoint one delegate to a central canvass committee which was to meet in Raleigh, June 1, 1881. This action was deemed necessary, said the circular, to protect their interests, because such a central committee would be influ-

[37] *News and Observer,* April 28, 1881; *Goldsboro Messenger,* May 5, 1881.

[38] *Kinston Journal,* May 5, 1881; *Tarboro Southerner,* May 12, 1881; *Carolina Watchman,* May 5, 19, 1881.

[39] *Charlotte Observer,* February 9, 1881: "The prohibition question is to be the issue in the next municipal election in this city. This was decided by the vote of the Charlotte Prohibition Association at its meeting night before last. There is a large proportion of our population which has been in favor of this issue being made for years."

[40] *Ibid.,* May 3, 1881; *Greensboro Patriot,* May 4, 1881. The former had this to say of the results: "The triumph is the result of the spontaneous uprising of the best element in our community, and while most of the colored men voted against prohibition, enough of them voted with the prohibitionists to lift the whole question out of the arena of politics and place it upon its merits. In fact, the issue represented was purely for or against social reform, in which the appeal of gray-headed old men and prayers of women were potent."

[41] For typical accounts of some of these activities see *News and Observer,* May 17, 25, 1881; *Goldsboro Messenger,* May 2, 1881; *Asheville Citizen,* June 30, 1881; *Carolina Watchman,* April 14, May 12, 1881; *Kinston Journal,* May 5, 1881.

[42] *Chatham Record,* May 12, 26, 1881; *Carolina Watchman,* May 26, 1881; *Orange County Observer,* May 21, 1881; *Davie Times,* May 19, 1881; *News and Observer,* June 1, 1881.

ential in seeking aid from within and without the state "and could raise a large fund for campaign purposes."

Pursuant to the call, the delegates of the whiskey dealers met in Raleigh at the appointed time.[43] The celerity with which meetings were held in nearly every county and the willingness of many men to make the "personal sacrifice" in time and expense of going to Raleigh indicated superior organization and means of action.[44] The convention met in Metropolitan Hall, with about 300 accredited delegates present, one-fourth of whom were Negroes.[45] L. N. Cooper called the convention to order, after which James E. Boyd made a long and spirited speech against prohibition. He attacked the proposed law because it would destroy one of the great industries of the state. Following the speech, a permanent organization was effected to be known as the Anti-Prohibition Association for the State of North Carolina, sometimes referred to as the Liquor League Association. After adopting resolutions against the prohibition law, declaring that "it was destructive to the moral, social, and material progress of the people" and that the Anti-Prohibition Association was the real representative of the cause of temperance, the convention adjourned with the fixed determination to wage an aggressive campaign.[46]

Ever since the passage of the prohibition law some of the leaders of the Republican party had been watching the crystallization of public opinion with increasing enthusiasm. They saw what appeared to be a rare opportunity to endorse the anti-prohibition side and thereby receive the credit for a victory. At the previous session, both houses were under the control of the Democrats, and they would have to bear the responsibility for passing such a law, in spite of the fact that the vote on the bill

[43] *News and Observer,* June 3, 1881; *Carolina Watchman,* June 6, 1881.

[44] *Farmer and the Mechanic,* June 9, 1881.

[45] *Tarboro Southerner,* June 9, 1881. *The Charlotte Observer,* June 3, 1881, said: "The *News and Observer* says 'there is a large attendance, among them some men of prominence.' But we notice from the names printed that many of these 'prominent' participants are Republicans and federal officeholders."

[46] Several other interesting, if not significant, speeches were made before the convention. A minister, who, according to the *Orange County Observer,* June 18, 1881, had been expelled from the Baptist church, ridiculed the preachers supporting prohibition in a vitriolic speech, saying that in the August election they would learn a lesson that would do them good.

At the night session the meeting was turned over to the colored speakers, who made merry over the hope that this fight would put the Republican party in power.

Governor Vance had the following to say about the convention and his attitude toward prohibition, when he was interviewed by Rev. R. L. Abernathy of Rutherford College: "Well, I have not been saying anything upon either side. I have feared that it might be a sort of political move to injure the Democratic party; and, as you know, I have been a watcher of its interests. But, the other day they had an Anti-Prohibition Meeting in Raleigh, composed of whiskey sellers from the North, the dealers in and around Raleigh, revenue officials from the mountains to the seaboard; and when I thought that I must be read out with one side or the other, I said to myself, 'My God, Vance! You cannot be read out with this party.'" *Carolina Watchman,* July 21, 1881.

had not been along party lines.[47] On the other hand, many prominent Republicans, including the influential Republican newspaper, the *North State,* opposed making it a party issue. But with the drift of public sentiment away from prohibition, the executive committee of the Republican party met just before the convening of the whiskey dealers' convention to consider the possibilities of the situation. No action was taken, however, relative to the subject of prohibition; but the resignation of T. M. Cooper as chairman of the executive committee and the election of Dr. J. J. Mott, an outspoken enemy of prohibition, presaged what was to follow.[48]

Dr. Mott determined not to let pass the opportunity which he believed would split the Democratic party and bring his party into power in the State. After several unsuccessful attempts to force the executive committee of his party to declare against prohibition, he issued of his own accord on June 10 a circular asking for contributions to help fight "fanatical error and political trickery combined."[49] Five days later the committee was again called into session in Raleigh, and, after "the most inharmonious of all their assemblies," it endorsed what had already been done by Dr. Mott, agreeing to throw the organized strength of the Republican party against prohibition.[50] Dr. Mott justified his precipitous action on the ground that he wished to solidify the Negro vote to the advantage of his party. The decision of the executive committee was denounced by many of the leaders of that party; prominent among these were Judge R. P. Dick, ex-Judges Albertson, Henry, Reade, and Buxton, and D. A. Jenkins, W. W. Holden, Daniel L. Russell, W. S. Ball, and many others.[51]

By the middle of July, so strong had become the movement against prohibition that even the most sanguine of the prohibitionists did not expect to carry the election. Many who had signed the petitions now allied themselves with the opposing camp.[52] Paid speakers for the liquor dealers and the Republican party concentrated their efforts on the ignorant Negroes, who were told that prohibition was a Democratic trick to put them back into slavery. Many of these paid defenders of individual liberty

[47] *Chatham Recorder,* June 2, 1881. Although differing from the official record, the *Recorder* reported the party vote thus:

Senate: 22 Democrats and 4 Republicans voted *for.*
7 Democrats and 3 Republicans voted *against.*
House: 54 Democrats and 16 Republicans voted *for.*
3 Democrats and 3 Republicans voted *against.*

Of the votes cast against, only one was by a Negro.

[48] *Carolina Watchman,* June 2, 1881; *Farmer and the Mechanic,* June 2, 1881; *North State,* June 16, 1881.

[49] *Carolina Watchman,* June 23, 1881.

[50] *Farmer and the Mechanic,* June 16, 1881.

[51] *Carolina Watchman,* June 23, 1881; the issue of July 14, 1881, carried a long article entitled "Is Prohibition a Party Question?" Opinions of about twenty prominent Republicans were quoted.

[52] *Kinston Journal,* July 23, 1881; *Orange County Observer,* July 23, 1881; *Farmer and the Mechanic,* June 23, 1881.

and economic prosperity carried Bibles around from which to prove that whiskey and drinking and even drunkenness were not harmful, but, on the contrary, were defended by the "holy writ."[53] The antis had thoroughly organized an effective and smoothly operated machine in all the counties.[54] The lawyer-politicians, ever ready to champion a popular

[53] Reverend R. H. Whitaker, *Reminiscences, Incidents and Anecdotes,* pp. 196-204. Whitaker took a very active part in the campaign for prohibition and he relates this speech as typical: "Fellow citizens!" they would say. "These are mighty ticklish times!" ("Eh!, you hear dat," a Negro would say.) "Yes, fellow-citizens, I know what I say when I tell you that we are in danger of losing our most sacred right—the right to eat and drink what we please." ("Dat's de Lawd's trufe!") "I'm a white man and I've always voted the white ticket, but, my fellow-citizens, in times like these I know no party nor color, but I stand on those eternal principles of independence and justice which our forefathers secured to us by the shedding of their blood." ("Bless de Lawd, don't he talk sweet!") "I can't help it, my fellow-citizens, that my skin is white, and yours is black, but I don't stand on the color of a man's skin when my brother is in distress; it's my duty to be his friend, though he be as white as snow or as black as the ace of spades." ("Dat's de way ter talk it, gem'men; dat's de way ter talk it!") "This prohibition bill is the most infernal and diabolical thing that was ever concocted by the enemies of a free and independent people." ("Dat's de Lawd's trufe; what'd I tell you, Br'er Sam?") "This damnable bill, my fellow-citizens, is to keep us from taking a morning dram when we feel badly; from having a little in the house for snake-bites, and when the old woman is poorly, and from even making a little camphor for the headache." ("Dar, now, you hear dat, don't you?") "I tell you, my fellow-citizens, as sure as I am looking into your honest and intelligent faces, upon which I see a determination, writ as with a pen of steel, to defeat this iniquitous measure, there's something behind it." ("Dat's your Godamity's trufe!") "Why, my fellow-citizens, I'm a member of the church, and I read my Bible, and I say here, before these prohibition gentlemen, that the Bible is teetotally against prohibition." ("I sed so, Br'er Jim!") "My fellow-citizens, hear what the Bible has to say: 'Give strong drink to him that is ready to perish.'" ("Dat's de word.") "Now, fellow-citizens, how are we to do that if all the strong drink is voted out?" ("Yea, Lawd, dat's what I want ter know! Hit 'em ergin!") "And didn't good old Paul tell his son Timothy to take a little wine for his stomach's sake, and for his other infirmities?" ("Dar, now! Umph!") "And weren't old father Noah a preacher for one hundred and twenty years, and didn't he get drunk when he pleased? And I dare these prohibition gentlemen to show us from the Bible that they ever had him up in the church." ("Now you got it, bless de Lawd!") "And didn't the blessed Savior say, 'Not that which goeth into the mouth defileth a man, but that which proceedeth out of the mouth'?" ("Now you're hittin' 'em good!") "And, fellow-citizens, these gentlemen here would make you believe that all the murders are the result of drinking whiskey. Will they say that Cain had taken a drink that day he killed his brother Abel? I dare them to do it." ("Now, what's dey got to say for deyselves? Bless de Lawd, de Bible's on our side!"); see *ibid.,* pp. 198-201.

[54] *Goldsboro Messenger,* June 6, 30, 1881; *Daily Review,* July 22, 1881; *News and Observer,* June 2, 1881; *Asheville Citizen,* June 23, 1881. A Wadesboro correspondent of the *Charlotte Observer,* August 4, 1881, described a rally of the anti-prohibitionists, held August 1: "Yesterday a great multitude of negroes assembled at Wadesboro to hear their champions on anti-prohibition. They heard them. And oh, such speeches! The speakers talked about everything but the subject. They spoke contemptuously of the ministry—'the little spike-tail preachers'; about the negroes losing their liberties, etc. But to crown it all, Dockery absolutely mimicked the ministry by taking a text—Deut. 14:26—and then misapplied it to his base purposes; just as his great leader—the Devil—did on a former occasion, when he tried to get the Savior to throw himself down from the pinnacle of the temple. By this time the surging mass of negroes were thoroughly aroused and further excited with whiskey. Just then some drunken negro had to be arrested by the town officers. He resisted and was knocked down, whereupon the already maddened negroes set

cause, flopped to the standard of the anti-prohibitionists. Thus days before the election on August 4 the results were a foregone conclusion.

Election day passed off quietly, with little or no disturbance in the state.[55] The results were almost everywhere a complete triumph for the anti-prohibition party. The vote was 48,370 for and 166,325 against, making a majority of 117,955 votes against prohibition.[56] Only three counties, Haywood, Transylvania, and Yancey, gave a majority for prohibition. The western counties, in which larger percentages of white Republicans lived, gave more votes proportionally for prohibition than did other sections. In Mitchell County the "wet" majority was only 20; Madison, 150; Cleveland, only 2 out of 3,000 votes cast. Among the towns which gave prohibition a majority were Newton, Old Fort, Asheville, and other "fruit county" towns.[57]

Many forces and factors contributed to the overwhelming defeat of state prohibition in 1881. The law admittedly was not entirely satisfactory. Nevertheless, too much emphasis must not be placed on the "defects" of the law. It is entirely probable that the people of North Carolina were not ready for a stricter law. These defects, however, gave excellent points of attack. Another powerful factor was that uninformed people followed the crowd. The *Kinston Journal* attributed the defeat largely to the lack of confidence of many voters in their own opinions and to the "lack of backbone."[58]

The old adage that a chain is no stronger than its weakest link was applicable to this election. North Carolina had not yet passed the suffrage amendment, and in the hunt for votes both sides encouraged the Negro to vote; but probably the antis were more successful. The consensus of opinion was that the Negroes voted almost solidly against prohibition.[59] The fact that the western counties, with smaller ratios of colored population, gave larger votes for prohibition than did the eastern counties gives weight to that opinion.[60] Then, too, the majority against was just about

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upon the officers, crying 'Kill them! Kill them!' The officers fled for safety, followed by about 500 enraged negroes throwing stones, flourishing sticks and pistols, and making fearful threats. Had it not been for the coolness and bravery of Judge Bennett, who mounted a horse and rode among the surging mass . . . commanding the peace, and the promptness of our high sheriff and other officers, there would have been much bloodshed and slaughter." See also *Kinston Journal*, June 2, 16, 23, 30, 1881; *Lenoir Topic*, June 2, 1881.

[55] *Charlotte Observer*, August 5, 1881: "Never before was there such universal discussion of a campaign issue. . . . There was not a demonstration towards a row." This comment was typical for other towns. The general quietness and orderliness of election day came as a surprise to many, especially after so many exciting incidents of the campaign.

[56] R. D. W. Connor, *North Carolina Manual* (1913), pp. 1019-1020. See Appendix for complete returns.

[57] *Farmer and the Mechanic*, August 11, 1881.

[58] August 18, 1881.

[59] *Charlotte Observer*, August 5, 1881; *Carolina Watchman*, August 11, 1881; Whitaker, *op. cit.*, p. 197.

[60] In Charlotte, Ward No. 1, 226 Negroes voted out of 238 registered, while only 280 white people voted out of 557 registered.

equal to the number of Negroes that voted in the political elections, which would indicate that the white vote was pretty evenly divided.[61] The Republican party's stand against prohibition undoubtedly influenced many Negroes to vote with the majority.

The action of the executive committee of that party in endorsing the wet side did not, however, influence many white Republicans to vote wet, but it had a more significant result upon the voters of the Democratic party. Many Democrats, especially the political leaders, feared that prohibition would endanger the existing political status. Should the results be relatively close, the newly formed Anti-Prohibition Association would hold the balance of power in future political contests. The Republican party, having already set its sails to catch this third party in the making, was in a position to make the most of its opportunity. Thus it became "stylish" for Democrats, just before election, to show that they were opposed to prohibition, and many voted wet for political reasons.

These factors, together with the well-articulated organization and almost unlimited financial resources of the liquor dealers, both within and without the State, were too powerful for the more loosely organized prohibition forces, who were without much financial backing or hope of future emoluments. While no definite statistics are available regarding the amount of money raised and spent by the liquor dealers, there can be no doubt that they did spend large sums.[62]

The most significant thing about the election was the fact that nearly 50,000 men in North Carolina in 1881 had determined to support prohibition and were ready to bear the political and social consequences of their actions. While some few citizens saw and talked of the real significance, many others concluded that the cause of prohibition had been set back fully fifty years. The Democratic papers, especially those that had supported prohibition, proclaimed far and wide that prohibition in North Carolina had met its Waterloo at the hands of the sovereign people and that all should abide by that verdict.[63] They must have known what they did not care to say, that the fight for prohibition had just begun.

The election produced a very interesting political situation. Dr. J. J.

[61] *News and Observer,* August 6, 1881. The *North State,* August 11, 1881, said: "The colored man comes off the field full of smiles. He has lived to see the day when his former owner takes him by the hand as a man and brother, and joyfully labors with him as an equal citizen either for or against Prohibition. Republicans . . . are under lasting obligations to Prohibitionists for settling the color question."

[62] *Farmer and the Mechanic,* June 9, 1881, stated that it was reported the "Northern Liquor Dealers" made up $175,000 to be spent during the campaign. *Carolina Watchman,* August 4, 1881: "The New York Wine Association sent many pamphlets and circulars into North Carolina during the campaign." The *Chatham Record,* May 12, 1881, says in an editorial that the *Goldsboro Messenger* was offered, by a liquor firm in Baltimore, Messrs. Brown and Co., as many as 300 subscriptions if it would publish "good matter" in opposition to prohibition. The *Messenger* indignantly rejected the offer.

[63] *Greensboro Patriot,* August 10, 1881; *News and Observer,* August 7, 1881; *Carolina Watchman,* August 11, 1881; *North Carolina Presbyterian,* August 10, 1881.

Mott believed that the overwhelming defeat of prohibition was a vindication of his policy of opposition and that the election had badly shattered the Democratic party, thereby presenting an opportunity, as he had predicted, that would enable him to lead his party to power. Now, all that was necessary with this clear background was to give encouragement to the already formed anti-prohibition forces and at the proper time step in and capture their votes by endorsing their platform.

Other factors gave Dr. Mott additional cause for hoping that an influential third party could be started. For some time the agrarian population had been developing considerable hostility to prevailing political control. The premature Greenback movement of 1880 had left certain leaders of that party stranded in North Carolina while the farmers bore, though not patiently, for another decade their resentment against the policy of the faction then in control of the government. Yet, even in 1882, there was considerable talk of "Liberal" as opposed to "Bourbon" Democrats.[64] Thus, if the premature liberal element could be allied with the anti-prohibition Democrats, the chances of breaking the control of the Democratic party were very favorable.

The liquor dealers were the "power behind the throne" in the movement to galvanize the anti-prohibition people into an effective political threat. During the seventies and early eighties the legislature had passed many laws because of pressure from the dry element, which had restricted their interests at every turn and helped to build up a public opinion against the saloon and the liquor traffic generally. A new party with anti-prohibition as its chief principle, holding the balance of power between the two old parties, would in all probability check the prohibition movement. Consequently, as soon as the results of the election were known, the liquor dealers began to take steps to carry out their plans.[65] As a result of the encouragement from the liquor dealers, the leaders of the State Anti-Prohibition Association decided to hold a meeting to map out a course of action.

The executive committee of the Association met in Raleigh, May 2, 1882.[66] Those present were Col. T. N. Cooper, S. E. O'Hara, William Johnston, E. P. Powers, J. H. Renfrow, J. J. Simms, C. J. Bailey, Natt Atkinson, and T. P. Devereaux for W. A. Moore. Col. Cooper, the chairman, resigned, and William Johnston was elected to fill the vacancy. After considerable discussion, they decided to call a state anti-prohibition convention to be held in Raleigh, Wednesday, June 7, 1882, to present to the people a platform of principles and candidates for the state offices to be

[64] J. G. de R. Hamilton, *History of North Carolina,* p. 208.

[65] *Tarboro Southerner,* August 18, 1881: "We rise to ask the meaning of such organization? If it is to encourage and propagate intemperance or to control State legislation in the interest of the liquor seller, then we, for one, beg to enter our solemn protest against it."

[66] *News and Observer,* May 3, 1882; *Carolina Watchman,* May 11 1882; *Davie Times,* May 5 ,1882; *Lenoir Topic,* May 3, 1882.

filled in the approaching November election.[67] An "Address to the People of North Carolina" was prepared and adopted, which gave the reasons for the need of such a party and extended an invitation to the "liberal, independent voters of the State, without regard to former political affiliation," to join the new party by sending representatives to the convention. As stated in the address, the party was to protect liberties and rights, assured by the hearty cooperation of more than 100,000 majority in the last election, to restore local self-government, to diffuse education more generally among the masses, to purify the ballot box, and forever to "settle the vexed question of restraining by law those vices which can best be corrected by moral suasion and religious organizations."[68]

The convention assembled on the appointed day, with about 150 delegates present, including approximately 40 Democrats and 110 Republicans, 30 of whom were Negroes.[69] William Johnston was made chairman. The address was endorsed as the platform with the additional "plank" that education should be supported by both state and national governments and that the money derived by the United States revenue tax on whiskey should be given to the common schools to be spent under the supervision of the state. The convention nominated for Congressman at Large Oliver H. Dockery, a Republican, and for the Supreme Court Judge George N. Folk, a Democrat. The new party was named the Liberal-Anti-Prohibition party.

When the Republican convention met a week or so later, its course of action had already been determined upon. Under the guiding hand of Dr. Mott, it endorsed the nominees of the Liberal-Anti-Prohibition party and designated a committee to act with a committee of that party to fill all vacancies that might arise.[70] The platform adopted declared that the "Bourbon leaders of the Democratic party" were responsible for the passage of the prohibition bill and the agitation resulting therefrom. "The

[67] *Loc. cit.*

[68] The address further said: "In the opinion of this committee such action is right and proper, that those who honestly stood up for the right then, shall have the opportunity to ratify their action, by the adoption of principles and election of men opposed to the party organization which forces this unjust legislation upon them.

"The leadership and the methods of this organization, the channel through which it speaks to the people, and the spirit of dictation and abuse with which it attempts to drive into its support those choosing to act for themselves, demands the present movement. A majority of the State which supported this odious legislation of last year continue to misrepresent us. Our manhood and self-respect require us to rebuke once more this insulting minority, that it may learn to respect the people's rights and liberties.

"In this movement principles are involved which should be cherished by every freeman, and it is our duty to see that they are protected against this intolerable spirit. . . . The bitterness with which we were denounced last summer lives not alone on the tongues of our defamers, but has taken root deep down into their hearts."

[69] *Carolina Watchman,* June 8, 1882. Other candidates nominated: C. C. Pool, John A. Moore, Frank H. Darby, William A. Guthrie, L. F. Churchill, and Jacob A. Long for Superior Court judges. Long and Darby declined the nomination. *Lenoir Topic,* June 21, 1882.

[70] *Carolina Watchman,* June 22, 1882.

said bill having been rejected by a vote of the people, the Republicans of this State, in maintaining the fundamental principle that the majority must rule, request their candidates for the Legislature to vote for the repeal of said prohibition bill and against all similar measures."[71]

Many dry Republicans resented the action of the convention in tying up their party with the liquor element. Rowan Republicans resolved in a public meeting that they welcomed recalcitrant Democrats who wished to further the interests of the Republican party, "but if their object be office —personal promotion to high and lucrative positions—we have to say they will be disappointed."[72] Similar expressions were made in many other places.[73] Generally speaking, however, the members of that party acquiesced in the action of its leaders. The Winston *Union Republican* said: "We can do no better than to sanction the ticket, for what is there to hope for from the success of the Democrats?"[74] Another Republican paper, the *Greensboro North State,* accepted the results in an editorial under the caption "We Bow."[75]

The Democratic party was in a quandary. During the campaign of 1881 its press and speakers had lost no opportunity to declare that prohibition was not a political issue—in spite of the action of the executive committee of the Republican party. After the election this position was unanimously taken, and no little time and space were used to show that the liquor question was dead beyond any hope of final resurrection.[76] A similar position was taken in the party platform of that year by declaring that "the question of prohibition is not now, and never has been, endorsed by the Democratic party. . . . We regard the matter as finally settled, and any attempt to renew the agitation a Republican move."[77] Their press rang with denunciation of the liberals who were called "sore heads," "wolves in sheep's clothing," "smirched and guilty fellows," "Mott's mongrel menagerie," and "political fossils," who were trying to get into the Republican party to "feast on the spoils of that desperate party" and wanted the anti-prohibition "nag to carry them over safely."[78]

After the first excitement had subsided and it became evident that only a few Democrats would leave their party, the Democratic party began to breathe more easily; but it continued to enjoy the sport of heaping

[71] *North Carolina Democratic Handbook* (1882), p. 7. The last five words caused a hot debate in the convention; *Carolina Watchman,* June 22, 1882.

[72] *Carolina Watchman,* May 25, 1882. Dr. Mott had already written to the U. S. Assistant Postmaster General to the effect that if any small offices existed, they might be given advantageously to liberal Democrats. Hamilton, *op. cit.,* p. 208.

[73] *Ibid.,* May 18, 1882, quoting an article, "Mott Surrenders," from *Asheville Citizen;* see also *Lenoir Topic,* June 28, 1882.

[74] *Ibid.,* June 29, 1882, quoting that paper; *Chatham Record,* April 27, 1882.

[75] *Ibid.,* June 29, 1882; *Greensboro North State,* August 8, 1882.

[76] *Tarboro Southerner,* August 18, 1881; *Carolina Watchman,* July 27, 1881; *Davie Times,* May 5, 1882.

[77] *North Carolina Democratic Handbook* (1882), pp. 10-11.

[78] *Davie Times,* May 26, 1882, quoting *News and Observer; Daily Review,* June 8, 15, 1882; *Asheville Citizen,* July 22, 1882; *Carolina Watchman,* June 22, 1882; *Lenoir Topic,* June 7, 1882.

ridicule upon those who followed the Liberal-Anti-Prohibition party.[79] Moreover, Democrats, in order to please the liquor dealers and to distract attention from the former prohibition campaign, launched under the able leadership of Senator Vance a vigorous attack upon the United States internal revenue system. Vance was instrumental in having a committee appointed by the Senate, with himself as chairman, to make a thorough investigation of the system in North Carolina, and especially to scrutinize the official conduct of Dr. Mott. After making an extended examination, the committee found nothing of consequence,[80] and it was dismissed after it had served its real purposes.

The results of the election of 1882 fully indicated that the Liberal-Anti-Prohibition party might have been a serious threat to the Democratic majority. In the Seventh Congressional District, a Democratic stronghold, Tyre York, a member of the new party, defeated R. F. Armfield. The black district was won by J. E. O'Hara, a Halifax Negro who had taken a prominent part in the fight to defeat prohibition and to build up a third party. However, the relative strength of the two parties remained about the same in the Legislature, only one Anti-Prohibitionist being elected.[81]

The Liberal-Anti-Prohibition alliance with the Republican party endured through the next campaign, 1884. The two parties held their conventions in Raleigh at the same time, meeting in separate halls and allowing a joint committee to select the ticket, on which the Republicans got most of the places. It adopted a very brief platform of principles, resembling those of the Republican party; but, strangely enough, prohibition was not mentioned.[82] After this, the remaining members were definitely absorbed by the Republican party.[83]

Vigorous assaults of the Democrats on the internal revenue system proved to be very popular.[84] The *Kinston Journal* said: "We fear that

[79] *Daily Review,* July 22, 1882, declared that only two Liberal-Anti-Prohibition Democrats were in New Hanover County; none in Pender, Duplin, Sampson, Columbus, Brunswick, and Bladen; several hundred in Cumberland of old Greenback stripe; see also *Asheville Citizen,* September 23, 1882: "We cannot begin to publish all the good news we get from every section of the State, as to how Revenue Liberalism is dying out."

[80] Hamilton, *op. cit.,* p. 209; *Lenoir Topic,* June 28, 1882.

[81] The *Carolina Watchman,* November 23, 1882, claimed the small Democratic majority in the State was caused by the election of 1881.

[82] *North Carolina Democratic Handbook* (1884), pp. 5-6; *Asheville Citizen,* May 15, 1884.

[83] An interesting bit of information appeared in the *Carolina Watchman,* November 4, 1886: "There was an independent anti-prohibition-liberal-democratic-republican ticket printed at the *Star of Zion* office—conducted by Negroes—but for some cause they were not permitted to be distributed, and the 'faithful' stayed largely at home. The names on the ticket would amuse anyone. They were all, or nearly so, old aspirants for office, but the people have not recognized them."

[84] These attacks occurred often; for a few typical see: *News and Observer,* December 25, 1883, February 5, September 9, 1884, June 2, 1885; *State Chronicle,* December 9, 1885; *Asheville Citizen,* November 4, 1882; *Davie Times,* May 5, September 22, 1882; *Lenoir Topic,* December 9, 1885.

some of our Democratic papers are over-zealous in this matter. . . . In order to get right before the people they gravely propose to abolish the internal revenue on whiskey and tobacco."[85] The principle of the "famous 'red-legged grasshopper' campaign" of 1876, in which Governor Vance declared that "every man had the right to make his liquor 'up the hollows and over the hills,'" was reasserted as sound individualistic democracy.[86] Now in 1884, Governor Vance, again helping to direct his party, made a very carefully prepared speech in the Senate in which he undertook to prove by statistics that the system was being used for political purposes.[87] He charged, and the charge was never proved to be incorrect, that during election years the expenses for collecting the tax were greater than for the years in which no election occurred. He further showed that about one-tenth of the salary of the officials was paid into the Republican party treasury for campaign purposes. At about the same time, General W. R. Cox, in the House of Representatives, was also making vigorous speeches against the "iniquitous system," which were always printed and distributed for home consumption.[88] The Republican party, not being willing for the Democrats to reap all the reward, likewise favored the removal of the system from North Carolina.[89] The *Greensboro North State,* Republican, said: "The repeal of the law would remove one of the most obnoxious and corrupting influences from our body politic."[90]

Thus the aftermath of the prohibition election gave the liquor dealers an opportunity to form a third party for the purpose of forever eliminating prohibition from North Carolina. Dr. Mott tried to use this defection in the interest of the Republican party, but the whole movement failed. The Democratic party launched a vociferous attack on the United States

[85] January 26, 1882.

[86] *Union Republican,* January 28, 1903; see also *Lenoir Topic,* July 28, 1881. In this campaign Governor Vance carried the grasshopper to make the people laugh and to illustrate in this crude way, the prevalence of Republican officeholders: "'This fellow,' said he, holding up the grasshopper, snugly preserved in his bath of alcohol, 'this fellow can smell the branch and tell how far up is the next still. This fellow can look at an honest man's back and tell in which pocket he carries his private tickler. He can smell a canteen and tell whether the liquor is tax-paid. He eats up every green thing that God ever gave to men, and he only serves the universal dissolution. The time has come that an honest man can't take an honest drink without having a gang of revenue officers after him.' All this was loudly cheered by the Democratic party." *Lenoir Topic,* July 28, 1881.

[87] Z. B. Vance, *Speech on Internal Revenue System,* June 25, 1884; *News and Observer,* July 8, 1884.

[88] W. R. Cox, *Tariff Commission and Internal Revenue,* 1882; *News and Observer,* June 3, 1884.

[89] *North Carolina Democratic Handbook* (gives Republican platforms) (1884), p. 4; 1888, p. 9.

[90] June 20, 1889: "It would drive into industrial pursuits" the officers and relieve the country of their constant and irritating presence. "And most of all, the repeal of these laws would put a stop to the numberless prosecutions in the courts, and the perjury, subornation of perjury, and the revolting practices which have grown up among the people to avoid detection or conviction, . . . which crimes and practices are a hundredfold more damaging to the good order of society than all violations of the revenue laws."

internal revenue system in order, first, to satisfy the liquor interests of the state, and, second, to please the people by opposing something from the Federal government. The *Spirit of the Age* summarized the aftermath in this significant statement. "Let politicians prate and bluster and turn somersaults and make wry faces if they delight in that kind of sport, but it will all amount to nothing in the end, for the prohibition movement of the country is growing and is going to keep on growing until it shall come like a mighty wave."[91] And within five years thousands of people of North Carolina were voting on prohibition in the local-option movement.

[91] *State Journal*, July 27, 1882, quoting the *Spirit of the Age*.

CHAPTER VI

LOCAL OPTION, 1885-1895

The Sons of Temperance and other prohibitionists organized in 1868 the Prohibition party of the United States. Its first national convention to nominate candidates for the offices of President and Vice-President of the United States was held on February 22, 1872, at Columbus, Ohio.[1] After it had been organized in other Southern states, the party was introduced into North Carolina by Moses Hammond, first in Randolph County, during the fall of 1884.[2] Subsequently local Prohibition candidates in a few counties were nominated, and about 500 votes were cast in 1884 for St. John, candidate for President;[3] but no attempt was made to bring these scattered efforts into a state movement until later.

In response to "A Call," written by Professor Horace H. Williams (later of the University of North Carolina), at the request of a committee of prohibitionists, a group of about eighty delegates, chiefly Quakers, met in Greensboro on December 10, 1885, to consider the advisability of organizing a state Prohibition party.[4] After lengthy discussion and upon motion of Professor Williams, a resolution which declared that it was the purpose of the convention to organize such a party in North Carolina, was adopted by a vote of seventy-six to four. A committee on resolutions prepared a statement of principles. It reads as follows:

> Resolved, That as all secondary matters are treated by political parties from the standpoint of expediency; as with the two old parties of our former affiliation this question of the Liquor Traffic is, and must remain, secondary; and as we can no longer support either of these old parties in North Carolina and the nation without endorsing the power of the saloon in politics and aiding to perpetuate that power; we do hereby declare the imperative necessity for a new party, with Prohibition of the Liquor Traffic its prime object; that we urge and will labor to secure its prompt and thorough organization everywhere, and that for it we invite the votes of all who cast ballots and the sympathy of all others.[5]

[1] Colvin, *Prohibition in the United States*, pp. 68, 88.

[2] *Woman's Christian Temperance Union of North Carolina Convention Minutes*, 1884, p. 5. (Hereafter cited as *W. C. T. U. Minutes.*)

[3] A. E. Wilson, *American Prohibition Year Book for 1907*, p. 86. This record said the vote for St. John was 454; see also *State Chronicle*, March 9, 1888; the vote for St. John in 1884 was put at 448.

[4] The *State Chronicle*, December 17, 1885, carried the proceedings of the convention. Professor H. H. Williams, at that time teacher in Trinity College, Durham, N. C., was about the only delegate who was not a Quaker. A committee asked him to come to the convention and to write the "Call." He accepted the invitation. The movement arose, according to Professor Williams, from a desire to have the Government withdraw its protection from a traffic that was wrong. Personal interview with author, April 9, 1932.

[5] *State Chronicle*, December 17, 1885.

With T. L. Vail, of Charlotte, as president of the executive committee, and Professor W. F. Steele, of Greensboro, and W. E. Odell as secretaries, plans were laid to nominate candidates in the election of 1886.[6] After adopting the *Prohibitionist* as the official organ of the party, the convention adjourned subject to call by the executive committee.

The announcement that a third party had been organized in North Carolina was received by the two old parties as unwelcome news. Indeed, it placed them in the morass of uncertainty. They silently recalled that only a few years before more than forty thousand people had voted for state prohibition despite obfuscation and ridicule. And now these voters were being invited to join a party that had prohibition as its one avowed objective. The Republican *Greensboro North State* uneasily prophesied that the third party would "undoubtedly shake up the dry bones in North Carolina, and be a troublesome competitor thereafter for the prize of the ballot box."[7] The Democratic *State Chronicle* sadly regretted that another third party had been organized because such a party endangered the success of the Democratic party in the state and would retard temperance progress.[8]

Not only did the political press refuse to countenance the new party, but religious and even temperance papers likewise declared that it would not advance the cause of prohibition.[9] This repudiation caused the *Prohibitionist* to observe that "non-partisan men are our strongest partisans, when we come to sound them; why they are the men who stand by the parties who stand by the unholy traffic, in all its ugliness, and that without regard to principle."[10]

Notwithstanding the scant courtesy received at the hands of the newspapers, the Prohibitionists continued their efforts. As the election of 1886 approached, they held conventions in Randolph, Gaston, Rowan, Guilford, and in a number of other counties, to nominate candidates for the county offices.[11]

These movements convinced the leaders of the Democratic and Republican parties that the third party was in earnest. Immediately they began to worry about the election two years hence. The Democratic party feared that a defection to the Prohibitionists of even one-fourth or less of

[6] Other men who took part in the organization were D. W. C. Benbow, J. C. Walker, W. H. Snow, J. S. Ragsdale, Dr. Robey, William Parker, Professor N. C. English, D. Worth, Samuel L. Trogden, and D. S. Shinely.

[7] *Lenoir Topic,* December 23, 1885, quoting the *Greensboro North State.*

[8] December 17, 1885.

[9] *Asheville Citizen,* December 30, 1885: "The evidence accumulates that the new Prohibition party meets with scant favor even in the house of its assumed friends. The religious journals, without exception, stand arrayed against it; but eyes might confidently turn to the temperance papers for support. They, too, denounce it, and the new party enters into existence with no friends except what unreasoning fanaticism can rally to it." See also *Chatham Record,* December 17, 1885: "We cannot think the movement will effect much."

[10] *Asheville Citizen,* December 30, 1885, quoting Bush Hill *Prohibitionist.*

[11] *State Chronicle,* September 2, 1886; *Carolina Watchman,* April 8, 15, 1886.

the dry vote in 1881 would mean defeat for it.[12] The Republicans, on the other hand, were not certain that in a three-cornered gubernatorial election all or even a majority of the Prohibition vote would come from the Democratic party. There were many Republicans who had not forgiven their party for its official endorsement of the liquor crowd, and they might now use this occasion to express their cherished resentment. Then, too, prohibition sentiment was strong in the usually Republican counties. The Republican leaders, therefore, were not in a position to capitalize upon the embarrassment of the Democrats, and could give the Prohibitionists little encouragement. Some means of counteracting the appeal of the new party, consequently, became of concern to both parties.

Happily for them this weapon was already at hand in the form of the local-option law. If the saloons and the liquor traffic could be attacked in local areas along non-political lines, the fundamental plank of the Prohibition party—hostility to the influence of liquor interest in politics—would be a dead letter; prohibitionists would be satisfied; and the politicians would be relieved of the dangers of an unknown situation. In addition to accomplishing these three things, the liquor dealers would be satisfied. Certainly they much preferred to fight prohibition, if that fight had to come—and many realized it was coming after their abortive attempt to form a third party upon principles hostile to prohibition—along local lines rather than risk again a concerted movement for state-wide prohibition.

Democratic papers, therefore, developed a sudden fondness for local option.[13] The more the plan was discussed and examined the more convinced became its advocates. In an editorial "That's the Way to Kill a Third Party," the *Wilson Advance* advised the old political parties to yield a proper deference to the reasonable demands of the prohibitionists. "If the old political parties have not the wisdom and courage enough to deal with this question," asked the editor, "whose fault is it? They have a chance now to take the wind out of the sails of the third party movement by voting for local-option and then enforcing the law. This they can do without interfering with their old party relations. If they will do this there will be no third party."[14]

The rank and file of the prohibitionists were not slow to accept the "hints" of the political press. Many of them were unwilling to join the

[12] The *Daily Journal,* December 15, 1885, advised the new party to concentrate on electing men to the General Assembly and not on electing a governor. If the former was done, better government would be the result; if the latter, the Republican party would gain power.

[13] *Carolina Watchman,* December 17, 1885. In an editorial "The Prohibition Party," the local-option law was printed in full. The editor concluded that should "the *third party* propose to work under this law, no one would object." The *Lenoir Topic,* December 23, 1885, after advising Democrats to oppose the new party, said: "We speak not here of the principle of prohibition, which may find for itself a practical field for successful good work in the excellent local option laws of this State."

[14] *State Chronicle,* December 17, 1885.

third party because they feared that another reaction similar to the one which followed the election of 1881 might come. Rather, the temperance cause was made a local issue; political alignments were not disturbed; and the votes cast in 1886 for the local Prohibition party candidates were negligible.[15]

The leaders of all parties realized that the acid test of the strength of the new party would come in 1888 when a governor was to be chosen. With this in mind, the executive committee of the Prohibition party called a convention to meet in Greensboro on May 16, 1888, for the purpose of nominating candidates for state offices.[16] Composed of about two hundred delegates representing every Congressional District except the Ninth, the convention met, nominated W. T. Walker of Greensboro for governor and H. Hammon of Randolph County for lieutenant-governor, and organized for a vigorous campaign.[17] Subsequently, county conventions were held, and nominations were made for local offices.[18]

The campaign opened with a good deal of apprehension among the Democrats as to the strength of the third party. If Walker polled many Democratic votes, the Democrats would probably lose the election. This possibility made the third party the foremost issue. Early in the campaign, the *Daily Journal* of Newbern cautioned the Democrats to be moderate in their criticism.[19] In an editorial entitled "Cranks," the paper objected to the practice of applying this epithet to the leaders of the third party.[20] Later, however, it joined the general chorus of the Democratic press in attacking the Prohibitionists as allies of the Republican party.[21] In a long editorial "Let Us Reason Together," the *State Chronicle* sought to convince "not less than 75,000 voters who believe in prohibition" for North Carolina that a third party could not possibly advance the cause of prohibition and that if they voted with this party they would, in all probability, defeat the white man's party.[22]

[15] *Carolina Watchman,* November 4, 1886; see also the *State Chronicle,* July 27, 1888, which charged that a Republican was elected from Guilford County because of the defection of Prohibition votes.

[16] *State Chronicle,* March 9, 1888.

[17] *Daily Journal,* May 19, 1888; *State Chronicle,* May 25, 1888; *Charlotte Democrat,* May 18, 1888; other candidates nominated: Treasurer, Hugh M. Dixon, Alamance; Auditor, J. N. Winstead, Greensboro; Superintendent of Public Instruction, N. C. English, Randolph. For Congress: 5th Dist., S. J. Montague, Winston; 7th, C. P. Fraiser, Randolph. Presidential electors: At Large, J. E. Walker and J. R. Jones; 1st Dist., G. L. Langston; 2nd, J. B. Webb; 3rd, Jesse Moore; 4th, J. S. Ragsdale; 6th, T. L. Vail; 7th, T. M. George; 8th, R. L. Abernathy (he subsequently withdrew; *News and Observer,* August 21, 1888); 9th, B. B. Lake.

[18] *News and Observer,* August 7, 21, 28, 1888.

[19] May 18, 1888.

[20] May 26, 1888. "There is doubtless more or less intolerance on both sides which both will do well to abandon. The question of Prohibition is one that is growing in interest and should be discussed in the light of reason and common sense."

[21] September 23, 1888; see also *Davie Times,* May 18, 1888. This paper called the Prohibition convention a Republican convention.

[22] June 22, 1888. The charge had been made that the Prohibition party was in the employment of the Republican party. "The *Chronicle* denounces and repudiates such charges. . . . They are too honorable to be guilty of such a charge."

Local party units were busy. In Rowan, the County Democratic Executive Committee issued a long circular entitled "Clean, Square, Dead-level Sense. Prohibition, Democracy, Republicanism," pleading with the Democrats of that county not to desert their party for something that would surely mean "blue ruin."[23] The *Carolina Watchman* asked prohibitionists to remember that it was a Democratic legislature that passed in 1881 the state-wide law which allowed them to vote on the issue and that the Republican party had then allied itself with the liquor crowd.[24] The *Durham Tobacco Plant* dubbed the leaders of the third party "The Assassins of Temperance Reform."[25]

As the campaign progressed this uncertainty of the strength of the Prohibition vote caused the Democrats to leave no stone unturned to discredit the leaders of the third party; and, of course, the race issue was not overlooked. Professor W. F. Steele, a member of the Executive Committee who had come from Massachusetts to teach in a Negro school in Greensboro, was called "Social Equality" Steele. "Thoughtful white men of North Carolina," piously warned the *State Chronicle,* "will not join any party which has such a man as Secretary of the Executive Committee and as editor of its organ."[26]

The Republicans enjoyed the fight the distraught Democrats were having and cautiously tried to do something about it. They were not in position to exploit fully the situation because of the nature of the issue. Although the Republican *Raleigh Signal* gave encouragement, this policy was by no means general.[27] With some hope of a victory toward the close of the campaign, the Republicans made a very close canvass of their members, especially in the eastern part of the state, in an effort to vote their full strength.

When the election had passed, the returns showed how thoroughly the two old parties had done their work. The Prohibition candidate for governor polled an insignificant vote, receiving only 3,124 out of a total of 285,556 votes cast.[28] An examination of their distribution showed Guilford County taking first place with 381 votes, and Randolph second with 306. The relatively large number of votes in these two counties was

[23] *North Carolina Herald,* September 26, 1888; *Carolina Watchman,* September 27, 1888.

[24] *Carolina Watchman,* September 6, 1888. This position was interesting, for in 1881 and in 1882 this paper declared that the Democratic party had nothing whatsoever to do with prohibition; it was not a party question. The *Lenoir Topic,* October 3, 1888 took a similar position. It made a very careful comparison of the records of the two parties on prohibition and concluded that the Democratic party had always been the friend of temperance and prohibition.

[25] *State Chronicle,* September 14, 1888, quoting *Durham Tobacco Plant.*

[26] August 3, 1888. It alleged that Steele wrote the platform, an error which was subsequently corrected, August 17, 1888. It also charged what previously had been repudiated, that Steele and Dr. D. W. C. Benbow, chairman of the party, were working in the interest of the Republican party; *ibid.,* September 14, 28, 1888.

[27] *State Chronicle,* August 31, 1888, quoting the *Raleigh Signal.*

[28] Connor, *North Carolina Manual,* 1913, pp. 1003-1004; *State Chronicle,* November 30, 1888.

likely cast by Quakers. Although sixteen counties, a majority of which were located in the East, did not cast a single vote for Walker, the strength of the Prohibition party was not confined to any one section.[28]

The disastrous rout of the Prohibitionists, explained the *Durham Progress,* was caused by two things: the hope of a Republican victory caused every Negro and probably every white Republican to vote the straight Republican ticket, and the Negro issue frightened Democratic prohibitionists away from the third party.[30] In spite of their seemingly crushing defeat, the leaders declared they were not discouraged and would be ready for the next campaign. The fundamental cause of the extent of the defeat was the fact that the two old parties had "yielded a proper deference to the reasonable demands of the prohibitionists" by which the liquor traffic had been attacked along local lines, in local-option elections.

In 1890 a few county tickets were again nominated.[31] The chief activity occurred in Randolph County, where J. W. Long published the *Political Broadaxe.*[32] As a result, the party in that county polled about 500 votes, a gain of 200 over the previous election.[33] In Guilford a considerable falling off occurred,[34] and very little interest anywhere was manifested except among the "faithful."

The Prohibition party in North Carolina continued, but had an obscure and insignificant existence. In 1892, a state ticket was nominated,[35] but received less support than had been given in 1888.[36] In 1896 James H. Southgate, of Durham, was nominated for Vice-President of the United States by the national Prohibition convention.[37] The Prohibition vote in North Carolina for President in 1904 was only 361, distributed among thirty-two counties, but Guilford and Randolph gave only twenty-one each. The largest number cast in any county was forty-one in Catawba, and the second, thirty-two in Wayne.[38]

[29] Connor, *op. cit.,* pp. 1003-1004.

[30] *State Chronicle,* November 16, 1888. J. M. Templeton, Presidential elector, said the small vote was caused by three factors: (1) "Democrats in the West and Republicans in the East persistently misrepresented us, each creating the impression that our party was a political trick." (2) Lack of leaders and organization. (3) "To a systematic, powerful canvass by the Democrats upon issue 'nigger or white man.'"

[31] *Greensboro North State,* October 2, 1890; *Political Broadaxe,* September 11, 1890, convention at Asheboro; *Carolina Watchman,* September 11, 1890, ticket in Rowan; *State Chronicle,* August 24, 1890, Wake County convention. They endorsed the Sub-Treasury Bill and some of the Farmers' Alliance's demands; see *ibid.,* November 1, 1890.

[32] *Political Broadaxe,* November 20, 1890: "Gentlemen do you mean business?" asked the editor. "If they do not put their money into the work, for heaven's sake gentlemen, quit talking prohibition, let's throw up the sponge and quit!"

[33] *Greensboro North State,* November 13, 1890.

[34] *Ibid.,* November 6, 1890.

[35] *News and Observer* (weekly), March 29, 1892.

[36] A. E. Wilson, *American Prohibition Year Book for 1907,* p. 86; Woolley and Johnston, *Temperance Progress,* p. 493.

[37] *News and Observer,* August 6, 1896.

[38] *Union Republican,* December 5, 1904.

The state ticket always ran ahead of the national ticket. The Prohibition vote

The Prohibition party was not without significance to the anti-saloon movement. Despite the fact that it polled no more than a handful of votes, its contribution was far-reaching. Paradoxically, the Prohibition party helped make prohibition in North Carolina a political issue. The Democratic party and the prohibitionists became after this time more closely allied, and in 1903 the prohibitionists captured the Democratic party; perhaps, more correctly, the Democratic party captured the prohibitionists. Moreover, the Prohibition party fostered the local-option movement that swept the state from one end to the other. Such elections were not new in North Carolina, but before this time they were scattered and independent practices.

The local-option method, as compared with other means of fighting the saloon, was regarded by many prohibitionists even before this time as the quickest way to achieve state prohibition. They pointed out that local-option corresponded admirably with democratic theories of government. Elections could be called by one-fourth of the qualified voters, either for prohibition or to repeal it. In addition to determining the status of the saloon, the actual practice in local government was a result of no little value, especially to a people who regarded Thomas Jefferson's teachings as almost sacred. The local-option campaigns were educational. When an election was called, and often when enough signers could not be obtained to petition for an election, the question of prohibition for the local unit was the most important topic of conversation and public speakings during three or four months of the year. The arguments advanced by the respective sides must necessarily be applicable to the local situation and to the evils of the saloons in the immediate neighborhood. Consequently, voters were compelled to consider critically and carefully the relative advantages or disadvantages of licensing as compared to prohibition.

Another phase of local option was its relation to enforcement. Since the result of an election was not final, but usually limited to one year, the majority had the strongest incentive to make good their choice. If prohibition won, naturally those voting for it wanted to see their opinions vindicated in the successful operation of the law. If, on the other hand, the liquor dealers and their friends carried the election, they attempted to conduct their business in such a manner as to give the least offense—they, so they said, just as those in favor of prohibition, always acted in the interest of temperance and good order. In either case, the loser was alert to point out the failures of the other method. Inevitably, through a series of successes and failures, enforcement became inextricably a part of the issue, and prohibition became less an abstraction.

in North Carolina for President, recorded in Wilson, *op. cit.*, p. 86, was: 1884, St. John, 454; 1888, Fisk, 2,789; 1892, Bedwell, 2,636; 1896, Levering, 675; 1900, Woolley, 1,006; 1904, Woolley, 361. See also Woolley and Johnston, *op. cit.*, p. 493.

There were also disadvantages to the local-option method. In ord to be reasonably successful, self-government must rest upon a socia minded populace who have both the education and the native ability t equip them to identify their best interests with those of other peopl Unfortunately, many of the people of North Carolina during that perio had neither. For forty years, before the passage of the suffrage amen ment of 1900, few people with the supposed rights of self-government we ever infested with so much general ignorance. But the Negro was by n means its only receptacle. For reasons that need not be mentioned her approximately one-fourth of the adult white male population of Nort Carolina could neither read nor write in 1890. Doubtless, in part at leas because of this situation, the saloon evil did not readily lend itself to solution by democratic forms and practices. There were other more obv ous, if not more fundamental, disadvantages of local-option; these ca best be understood, however, after a survey of the movement.

With encouragement from the politicians and the newspapers, the tem perance reformers laid plans to call many local-option elections in 188 At the outset a number of newspapers gave publicity to these plans order "to kill a third party," but once the campaigns were under wa most of them ignored the question until after the election, when a fe published some of the results. The *North Carolina Presbyterian* observe that the secular papers "generally touch very lightly upon it [local-optio prohibition]; some give the news, but in such a way as to obscure i significance and few indeed make it a subject of comment."[39]

Typical as well as important on account of its strategic place in th movement was the campaign in Raleigh. During the last of Februar 1886, petitions were circulated for the purpose of calling an election June on the question of "license" or "no license" in Raleigh townshi The nucleus for the movement was furnished by the churches, both whi and colored, with the ministers carrying the petitions and supervising th work.[40] Signed by 1,112 people, these petitions were presented to th county commissioners. When it was found that 832 of the signers we qualified voters, 53 more than the necessary one-fourth, the commissione ordered an election to be held on the seventh day of June.[41]

Both sides began immediately to perfect their organizations to wag aggressive campaigns during the two months remaining before the ele tion. The leaders of the no-license party met in the mayor's office an chose an executive committee of twelve men, called the Raleigh Townsh Local Option Association, to manage their campaign. Renting a vaca

[39] June 16, 1886.

[40] *News and Observer,* March 2, 1886: "The matter was brought up in one the white churches last evening. It will also be brought up in the colored churche Several clergymen are earnestly seeking signatures." See also *Daily Journ* (Newbern), June 9, 1886: "The great secret of the rapid progress of this mov ment is that the churches have taken hold of it."

[41] *News and Observer,* March 9, 1886.

storeroom in the center of town, they established headquarters, promoted the organization of Local Option Clubs of young men, and issued from time to time circulars in behalf of prohibition. Neither were the Negroes neglected; they were organized by their respective preachers according to their church membership.[42] As election day approached, the campaign waxed warm. Every night on the week of the election, either in the gospel tent or at Metropolitan Hall, large crowds of eager prohibitionists assembled to hear speeches, often made by a speaker from out of town.[43]

The "wets," or license party, were also active. Every night of the week before the election they held open-air meetings or rallies at some place in the city.[44] Their meetings were largely attended and their speakers "roundly cheered." At one of these, sponsored by a number of business and professional men, called to discuss the effects that prohibition would have upon business in Raleigh, a resolution solemnly condemning prohibition was adopted. It read as follows:

> Resolved, That if the measure is carried it will, in our opinion, be greatly detrimental to all branches of trade and business carried on in this city and township, will greatly increase taxes upon property and at the same time will cause great depression in the value of property, without corresponding good being accomplished.[45]

The "drys," or no-license party, denied that prohibition would injure business. Rather, the money used for drink, at best an unnecessary luxury and generally with no economic value, would be diverted to legitimate trade. Their chief argument, however, was that by the abolition of the saloons temperance would be promoted. The barrooms, they said, encouraged the formation of the drink habit. Moreover, the practice of granting licenses to barrooms gave legal sanction to a social curse. They contended that society should not protect, but should seek to discourage if not destroy the curse.

A few days before the election the *State Chronicle,* standing almost alone among the political papers in its endorsement of prohibition, said:

> We believe that a total Prohibition of the liquor traffic is the only way to put drunkenness under a ban, and the best way to put an end to the evils arising from strong drink. It is not needful to enumerate those evils. The very fact that every man whether he be a Prohibitionist or not admits that there is necessity for regulation of the whiskey traffic is the strongest argument in favor of Local Option. The present agitation throughout the State on the

[42] *State Chronicle,* March 25, May 20, 1886.

[43] *Ibid.,* May 20, 1886. "The ladies are requested to grace the occasion with their presence."

[44] *Ibid.,* June 4, 1886. "Col. P. F. Faison was made president of the meeting and J. E. Pogue was elected secretary. Faison explained the object of the meeting, saying that it was a spontaneous movement. . . . Messrs. Julius Lewis, B. F. Parks, M. Bowles, D. Rosental, C. E. Johnson and Dr. A. W. Knox were appointed vice-presidents . . . Armstead Jones, W. Dobbins, and G. Heller were appointed a committee on resolutions."

[45] *State Chronicle,* June 4, 1886.

Prohibition question, the greatest growth of sentiment favorable to it since the State election of a few years ago, the evident determination on the part of many to secure Prohibition even if they have to join a new party to bring it about, unwise as we deem such a course—these things foretell the ultimate success of Prohibition in North Carolina. There are many who endeavor to "down" it, but there is so strong and so fixed a purpose on the part of a very large number of the best men in the State to continue their endeavors until not a licensed barroom will be found to debauch and debase men and boys that no power can check them. . . ; and the growth of Prohibition sentiment is encouraging to all who are laboring for the betterment of their fellows.[46]

Local-option campaigns were being waged at the same time in about fifty townships (including such large towns as Goldsboro, Kinston, Durham, Concord, Monroe, Winston, Salem, Statesville, Charlotte, and Asheville) and in Mitchell and Catawba counties. Efforts in other places had been made to call elections, but for one reason or another, usually because enough signers to the petitions could not be obtained, they failed.[47]

The results of the elections were generally favorable to the drys, but the margin of victory, except in a few cases, was small.[48] Although the drys won in a majority of the elections, the larger towns of Asheville, Charlotte, Durham, and Goldsboro gave majorities for "license." Mitchell County went dry, but Catawba voted for license by a majority of 81 out of 2,069 votes cast. Raleigh was carried for prohibition by the slim margin of 60 votes out of 2,214 cast.[49] The *Spirit of the Age* said that when it was learned that Raleigh had "redeemed herself," and when that announcement was made known to the "waiting multitude" that stood about prohibition headquarters, an old time Confederate yell was given "that brought out the women and children with their smiling faces to witness the exciting scene and to join in the thanksgiving to God for the Results." The editor said further: "Our people became wild with joy, and

[46] *Loc. cit.*

[47] *Lenoir Topic*, April 14, 1886; *Carolina Watchman*, May 6, 1886.

[48] The data here given were taken from the following sources, none complete: *Daily Journal*, June 8, 9, 10, 11, 1886; *Lenoir Topic*, June 9, 1886; *North Carolina Presbyterian*, June 10, 1886; *Carolina Watchman*, June 10, 1886; *News and Observer*, June 15, 1886; *State Journal*, June 11, 1886; *Chatham Record*, June 10, 1886; other newspapers were examined, but no additional information was found. FOR PROHIBITION (only majority votes given): Apex by a majority of 3 votes, Beaufort 71, Cameron 9, Concord 25, Henderson 45, Kinston 11, LaGrange 9, Louisburg 7, Lumberton 67, Monroe 13, Oxford 9, Raleigh 60, Salem 29, Winston 69, Lonedale township in Caldwell County 5, Mitchell County 1,500. Vote not given for Hendersonville, Madison, Seaboard, Warrenton, numbers 3 and 4 townships in Cabarrus County, Holloway township in Montgomery, Greensboro township in Moore, Vance and Jackson townships in Union. AGAINST PROHIBITION: Asheville by a majority of 114 votes, Charlotte 429, Company Shops 10, Durham 13, Franklinton 4, Goldsboro 196, Graham 72, Holly Springs 10, Morehead City 57, Reidsville 76, Statesville 28, Blowing Rock township 10, Barton and House Creek townships in Wake, several townships in Montgomery, Owin township in Iredell, Littleton, Trenton, and Catawba County 813 out of 2,069 votes cast.

[49] *News and Observer*, June 15, 1886.

such a demonstration of rejoicing as was held in Metropolitan Hall, lasting until a late hour into the night, one rarely sees in a life time."[50]

In Monroe the election was unusually hard fought but with order and decorum. The *Monroe Enquirer,* commenting upon the results, said that the women "waited, watched, worked, and prayed for the victory that was won." Carrying tickets only for the no-license party, the boys "enthusiastically enlisted in the crusade." "We are told," said the editor, "that there were boys on the ground pleading for prohibition votes whose fathers were casting their influence and ballots for license."[51]

The *Fayetteville Observer,* in whose town there was no contest, said that the elections brought out the very significant facts that the deep interest in the question of prohibition, both for and against, was confined to no section, that the press was completely divided, that the "intense feeling" lacked bitterness, and "that a determination had taken deep root in the popular mind to test the issue to the very core."[52]

In some places the Negroes voted for prohibition, and in others for license. The *North Carolina Presbyterian* agreed that "some of our successes in the late elections were due to the freedmen. They refused to be hoodwinked by the clap-trap about liberty and freedom."[53] The *Winston Sentinel* also claimed that the Negroes voted "almost solidly for the dry ticket, while it has been said that the Knights of Labor here voted for local option to a man."[54] In Charlotte it was said that "but two negroes voted for prohibition, nothwithstanding nine tenths of them are members of the church."[55] Partisan politics did not influence the contests.

Thus towns that gave overwhelming majorities against prohibition in 1881 were driving out the saloons in 1886. The *North Carolina Presbyterian* thought "nothing had occurred, within the past five years, of greater consequence to North Carolina" than the prohibition elections.[56] Although the wets won in Charlotte, the *Charlotte Observer* warned the liquor dealers not to misinterpret that victory; the result did not mean "license" to sell to minors, to drunkards, or to disregard public propriety in the conduct of their business. The editor concluded: "This community is a temperance community."[57]

These elections determined the status of saloons for only one year. In an editorial under the caption "What Now," the *North Carolina Presbyterian* said that "clearly the enforcement of law comes first." Enforce-

[50] *North Carolina Presbyterian,* June 16, 1886, quoting the *Spirit of the Age.*
[51] *Loc. cit.* The *Monroe Enquirer* said: "More colored men voted for prohibition than ever before. Twenty-two prohibition colored votes were cast. In view of the fact that the solid colored vote is usually in favor of license, the noble twenty-two who voted in favor of prohibition is deserving of honorable mention."
[52] *North Carolina Presbyterian,* June 16, 1886, quoting *Fayetteville Observer.* The *Asheville Citizen* ignored the campaigns in and around Asheville.
[53] June 16, 1886.
[54] *North Carolina Presbyterian,* June 16, 1886.
[55] *Ibid.*
[56] *Ibid.*
[57] *Ibid.,* quoting the *Charlotte Observer.*

ment was necessary to set an example for use in future contests and "to prevent such a revulsion of feeling as will restore the traffic with greatly increased power."[58] Touching this same note, the *State Chronicle* rejoiced over the victory, but rejoiced with trembling, for the victory was not yet won.

> If, after carrying the elections, the prohibitionists cease their work and leave the law to enforce itself their rejoicing will be turned into mourning, their gladness into sorrow. The great work before them—and before all law-abiding citizens as well, for any man, be he prohibitionist or anti, who winks at the violations of the law, or does not seek its enforcement, cannot claim to be a good citizen—is to give the officers of the law their aid in enforcing this new law.[59]

Without waiting for the approach of another election both sides began to lay plans according to their ideals and interests. A correspondent of the *Raleigh Christian Advocate* declared:

> The grog shops here closed 1st July last, and the license men (we think) set to work immediately to manufacture public sentiment against no license, by giving liquor to make men drunk, then put them staggering into the street for effect, whispering about that there was more drinking than ever, and that we should do a little wrong (by licensing) to prevent a big wrong.[60]

The no-license advocates were not idle. Rallies and public speaking were used to keep the question of local option before the people. At one of these meetings in Chatham County, described as "A Grand Temperance Celebration," more than two thousand people assembled to attend an all-day program.[61] The enthusiasm manifested for prohibition led the *Spirit of the Age* to comment: "There are lots of people who are beginning to change their opinion as to the great set-back. The truth of the matter is, the campaign of 1881 was a most fortunate thing for the cause of temperance and prohibition."[62]

In the spring and early summer of 1887, with the number of the contests reduced, the two parties were again face to face in exciting campaigns and elections. This time there was less newspaper publicity than formerly. Only the results can speak for the widespread interest in prohibition.[63] The two hardest fought campaigns were waged in Charlotte

[58] *North Carolina Presbyterian*, June 16, 1886.
[59] *State Chronicle*, June 11, 1886.
[60] *Raleigh Christian Advocate*, September 8, 1886.
[61] *Chatham Record*, August 5, 1886; N. B. Broughton, A. H. Merritt, and Reverend J. B. Whitaker addressed the crowd.
[62] *Spirit of the Age*, August 11, 1886.
[63] These results were compiled from: *News and Observer*, June 14, 1887; *Daily Journal*, June 7, 8, 1887; other papers consulted, but no additional information obtained. FOR PROHIBITION: Beaufort by a majority of 10 votes, Cameron 34, Durham 84, Monroe 54, Raleigh 31, Reidsville 50, Seaboard 9, Warrenton 2, Concord township 213, Pittsboro, Snow Hill, South Port. AGAINST PROHIBITION: Charlotte by a majority of 40 votes, Greensboro 49, Henderson 130, Kinston 32, Oxford 30, Washington 118, Winston township 93, Louisburg. TIE: Margaretsville, Salem.

and Salem. In the former, the dry party made a determined but unsuccessful effort to close the saloons. Salem, after a year of prohibition, voted a tie, but Winston voted wet, having gone dry in the preceding election. The no-license party was just barely able to win in Raleigh, but the results indicated that prohibition was losing supporters. "The campaign was quiet compared with the one formerly gone through with," said the *News and Observer,* "but on yesterday the excitement grew to fever heat; and during the day both sides at times were alike hopeful and discouraged. No disturbance was reported during the day."[64] The drys claimed that the shift of Durham to the dry column indicated a change in the attitude of industrialists toward prohibition.

In 1888, the third year of the movement, fewer towns had elections, but a majority voted for saloons.[65] Concord and Monroe voted to retain prohibition, and Washington to establish it. On the other hand, Asheville, Statesville, and Charlotte voted to keep their saloons, while Raleigh, Pittsboro, and Warrenton switched from no-license to license.

All of the important towns were back in the license column by 1888. The most noteworthy change of opinion had taken place in Raleigh, where the wets won by a majority of 141 out of an unprecedentedly large vote cast.[66] The *North Carolina Presbyterian* said that it regretted to publish the news about the defeats of the prohibitionists and especially the disgraceful conduct of Raleigh. It, along with other papers, said that the fault rested with the court. "The fault, the police frankly say, was in the Superior Court which did not punish, but simply dismissed upon payment 'of costs'—a punishment which has no terror to a liquor seller," explained the *Wilmington Messenger,* "for one of the class has openly remarked that it was cheaper to sell whiskey, get caught and pay costs, than to buy license."[67] In Statesville, where the drys again forced an election, the saloon party won a decisive victory for the first time since their overwhelming defeat in 1886. A Statesville correspondent declared it was "the prayer of a majority of our best people that we may never be visited by another such dissentient election."[68]

The elections of 1888 marked a turning point in a series of attempts to solve the troublesome liquor question by direct expression of a majority

[64] June 14, 1887.

[65] *State Chronicle,* June 8, 1888; *News and Observer,* June 12, 1888. FOR PROHIBITION: Concord by a majority of 165 votes, Durham 7, Monroe 93, Washington 12, Sand Hill. AGAINST PROHIBITION: Asheville by a majority of 286 votes, Pittsboro 53, Raleigh 141, Statesville 215, Warrenton 72, Charlotte 65.

[66] *News and Observer,* June 12, 1888. After stating that the election passed off quietly, the paper said the main development was a "determination on the part of the anti-prohibitionists to win greater than had heretofore been observed" and they worked in accordance with their purpose. "The prohibitionists worked also with their usual zeal, and were supported by an all day prayer meeting in the Sunday school room of the Edenton Street M. E. Church under the auspices of the Ladies' Local Option Association."

[67] *North Carolina Presbyterian,* June 6, 1888, quoting *Wilmington Messenger.*

[68] *News and Observer,* June 12, 1888.

vote in a local area. Many temperance workers were beginning to doubt not only the efficacy of local prohibition but also the propriety of dividing towns and communities into two hostile groups. Churches were being rent asunder because of divisions on the wet and dry issue. Business for at least one month before and for a week or longer after an election felt the effects of a heated campaign in which honest differences of opinion were often taken for fanaticism or moral degeneracy. Correctly the president of the Woman's Christian Temperance Union weighed the situation. She said:

> Local option is not satisfactory, though we will work for prohibition on every possible inch.
>
> It is a continual hand to hand fight. All kinds of fraud and deceit are practiced to dupe the ignorant and irresolute. Almost every Local Option campaign presents a scene of trickery which is a shame to our civilization. We need something more permanent which does not give play to such debasing conduct.[69]

The results of the local-option elections "ought to set people to thinking." "We do not know what the remedy is," said the *State Chronicle,* "but we do know it is not cheap license. . . . If Local Option is not a success, and if low license is a failure, what is the plan?" Although the paper admitted it did not know the answer, it recommended a trial of "High License."[70]

Meanwhile, in an effort to remedy almost intolerable conditions that had grown up in certain communities from these yearly battles and to protect the liquor dealers, the legislature in 1887 amended the local-option law to prohibit elections oftener than once in two years.[71] After their poor showing in 1888, the drys asked the legislature to repeal the amendment and allow elections in 1889. Complying with this request, the legislature changed the law to allow elections in 1889, but only once in any two years thereafter.[72]

Having won their demand, the prohibitionists began to rally their forces for a supreme effort to close during the next two years as many saloons as possible. Mindful of the drift of public sentiment away from the no-license party, the liquor dealers resorted both to legal and to extra-legal methods of fighting prohibition. They circulated an untrue story that a provision in the law made illegal the possession of any liquor what-

[69] *W. C. T. U. Minutes,* 1889, p. 29.
[70] *State Chronicle,* June 15, 1888.
[71] *Laws of North Carolina,* 1887, ch. 215, p. 453.
[72] *Ibid.,* 1889, ch. 375, p. 374. The phrase "practicing physician" was changed at this time to "licensed physician"; he alone could write prescriptions for liquor. Another clause which caused considerable misunderstanding and newspaper comment was: "That the possession by any person engaged in any mercantile pursuits, whatsoever, of intoxicating liquors in bottles, flasks, casks, kegs, barrels or other vessels shall be *prima facie* evidence of an intent to dispose of the same contrary to the provisions of this act." *Ibid.,* sec. 6. The wets circulated the story that this law made it unlawful to keep any liquor whatsoever in a home. The charge was untrue; *Greensboro North State,* March 21, 1889.

soever in the home.[73] When the drys in Raleigh presented early in April a petition to the county commissioners asking for an election in June, the liquor dealers charged that some of the names on the petitions were fraudulently obtained.[74] The commissioners disregarded their charges, but the dealers obtained a temporary restraining court order.[75] At the hearing on the order, Judge Graves promptly ruled that the injunction should be dissolved and the election held.[76]

The campaigns in 1889 were usually conducted with more aggressiveness than were those of the preceding year. The arguments of the drys were shifted from the advantages of prohibition to a more concentrated attack on the evils of the saloon. Barrooms, they said, should be closed in order to lessen the temptation to the young men and boys and to reduce the amount of whiskey drunk.[77] No one pretended that prohibition would absolutely prohibit the drinking of liquor, said the *State Chronicle*, but no-license would accomplish the following results:

> First, it will close the bar-rooms and thus take away a standing temptation to the young. This is the chief reason why we vote for local option and the chief reason why it should be carried out. It will reduce the quantity of whiskey consumed, decrease the number of arrests, and decrease the volume of crime.[78]

Despite the increased zeal of the prohibitionists, the wets were more successful than in any years since the movement began.[79] Only Wadesboro and three townships in Wayne County were carried for prohibition.[80] Durham and Monroe switched from prohibition to license. The saloons in Raleigh won by a larger majority than the year before.[81] The only county-wide election (in Cleveland County) gave a majority of thirty for license out of a light vote cast. Shelby township gave twenty-five of the majority, indicating, perhaps, that prohibition sentiment was slightly stronger in the rural sections.[82]

Thus ended the first concerted local-option movement in North Caro-

[73] See footnote no. 72, *supra.*

[74] *News and Observer,* April 30, 1889; *State Chronicle,* May 3, 1889.

[75] *State Chronicle,* May 3, 1889. The wets asked Judge Connor to set the hearing on a date after which it would be too late to send out the registration books. The drys immediately appealed to Judge Connor by telegram, and he ordered the books to be sent out regardless of the injunction.

[76] *Ibid.,* May 10, 1889.

[77] *State Chronicle,* June 7, 1889: "The fight this year . . . is not a fight for Prohibition. It is a fight against barrooms. It is a fight for Temperance."

[78] *Idem.* In Raleigh the dry "meetings will be held every afternoon, commencing today at 8:30 o'clock and an all day prayer meeting, commencing at sunrise and continuing until sunset, will be held on Monday, June 10. All ladies are most earnestly and affectionately invited to attend these meetings. Mrs. W. S. Black, Rsc. sect. Y." *News and Observer,* June 4, 1889.

[79] *State Chronicle,* June 14, 1889.

[80] *Loc. cit.; Carolina Watchman,* June 13, 1889; *Chatham Record,* June 13, 1889.

[81] *News and Observer,* June 18, 1889: "It was one of the most heated contests over local option ever seen in Raleigh. Both sides worked hard and both hoped to win. All thought that the election would be much closer than it was."

[82] *State Chronicle,* June 14, 1889; *Carolina Watchman,* June 13, 1889.

lina.[83] To say that the prohibition crusade ended with the collapse of local option would be far from the truth. For the time being, however, the opposition had pushed prohibition into the background. Having been encouraged at the outset by the political leaders to kill the Prohibition party, local option had served its usefulness. Although the prohibition leaders recognized they had been defeated, there was no indication that they had been converted; they still believed in prohibition.

The results of the local-option elections were significant. That they were effective propagandist agencies no one would deny. They deepened the conviction among many people that one of the worst evils of the saloon, with its vested interests, was its unholy alliance with politics or, as the Prohibition party called it, the "liquor power." To make a start toward its abolition, it would be necessary to control politics in town, county, and state. Moreover, these local-option elections demonstrated that enforcement was likewise a political problem. Courts and other governmental agencies obeyed the voice of only one god, the god of ballots. From this time on the prohibitionists depended more and more upon politics, rather than upon the supposed righteousness of their cause.

Despite the fact that the first part of the nineties was a period of lean years for prohibition, the prohibitionists in many towns and counties were unwilling to discontinue the struggle. For some time the *North Carolina Presbyterian* had been advocating the election to office of men who were favorable to prohibition. In towns where the wet and dry sentiment was about evenly divided, license or no-license became the controlling issue in the municipal elections.[84]

Typical of such contests were the municipal elections in Hickory from 1891 to 1902.[85] In 1892 J. D. Elliott, the wet candidate, was elected mayor over J. H. Hall, the dry candidate.[86] The drys elected the aldermen, but with reduced majorities from the previous election.[87] The *Lenoir Topic* described the Hickory contest in 1893 as a "stormy one"; during the afternoon there "was much fussing and several fights between 'wets' and 'drys.'"[88] G. H. Geitner, the dry candidate for mayor, won by a majority of two votes over E. B. Cline, the wet candidate in 1893.[89]

So troublesome became the issue in Hickory that in 1894 an attempt was made to take local option out of town politics by holding a separate

[83] For an excellent summary of what one writer thought had been accomplished, see *North Carolina Presbyterian,* June 5, 1889: "The elections have stopped drinking on the political stump."

[84] The town of Concord in 1893; *Lenoir Topic,* May 13, 1891, May 10, 1893.

[85] The death of a young man in a barroom, where he, after becoming "dead drunk," was carried to a back room and died during the night when the effects of the liquor left him, quickened public sentiment.

[86] *Lenoir Topic,* May 11, 1892; *News and Observer,* May 10, 1892.

[87] A. R. Yoder, A. A. Shuford, and L. R. Whitener were the dry aldermen.

[88] May 10, 1893.

[89] *Ibid.;* Geitner polled 187 votes; Cline, 185. The wets elected all three aldermen: J. D. Elliott, A. Y. Sigmon, and J. W. Shuford. The three hold-over aldermen were drys, thereby giving the controlling vote to the dry mayor.

election. "No-license" carried by a majority of twenty-three votes, but E. B. Cline was elected mayor.[90] In the following elections the drys managed to keep the saloons closed until 1900, when the license party carried the municipal election with the help of a solid Negro vote.[91] Saloons were again opened, but the no-license party was able to close them permanently in 1902.

Just as the saloons became the predominant issue in the town elections, so the no-license question entered county politics. The drys in both parties strove, quietly in most cases, to nominate for county commissioners only men favorable to no-license. The politicians much preferred this method to a campaign waged between the two groups. Robeson County took the lead. On the ground that no person who sold liquor was of good moral character, the commissioners refused to grant license for Maxton, although the town had previously voted for saloons.[92] Four other counties promptly followed the example of Robeson.[93] By 1893 as many as twelve counties were under prohibition because the commissioners had refused to grant license.[94]

Several interesting problems were brought out by this method of fighting the saloons. When three of the five commissioners of Mecklenburg refused to license saloons after 1891, thirteen saloons were forced to close in Charlotte, where the no-license party in the local-option elections had always been defeated.[95] Giving a legal reason for their action, the commissioners said the saloons had been selling liquor to minors, a practice contrary to law. A bitter controversy arose between the town aldermen, who were wet, and the board of commissioners, who were dry. The former charged that the latter were scheming to destroy the schools of Charlotte, for the schools could not operate without the $13,000 paid by the saloons as a privilege tax to the city.[96] The liquor dealers started court action to compel the commissioners to issue licenses. Anticipating such a step, the commissioners had collected affidavits from boys of Charlotte to the effect that they had purchased liquor from the saloons. Thus when compelled by the courts to show cause for their action, they produced the proof that the saloon keepers had been guilty of breaking the law, and were, therefore, not men of good moral character. In every instance the liquor dealers lost their case. The commissioners kept the saloons closed for about fifteen months, but again granted licenses in the spring of 1893.[97]

[90] *News and Observer,* May 15, 1894.
[91] *News and Observer,* March 24, 1903.
[92] *North Carolina Reports,* 107 N. C., 335.
[93] *W. C. T. U. Minutes,* 1890, p. 19.
[94] *Ibid.,* 1892, president's report, page 17: "During the year as many as twelve counties have been under prohibition by the commissioners refusing to grant license." See also *ibid.,* 1893, p. 14.
[95] *News and Observer,* February 23, 1891; Heriot Clarkson, *Address before the W. C. T. U.,* Charlotte, January 16, 1930, pp. 7, 9.
[96] *News and Observer,* February 23, 1891.
[97] *Ibid.,* July 19, 1892. The leaders for "no-license" were E. T. Cansler, C. H. Duls, Heriot Clarkson, and John Moore Kirkpatrick.

The Camden County commissioners decided not to issue any more licenses after January 1, 1892.[98] The political leaders felt considerable apprehension as to the consequences of such a step. A correspondent of the *News and Observer* wrote that the "court house was a scene of much excitement today over the liquor question," because most people believed that the matter should have been left to a vote of the people.[99] The liquor dealers appealed to C. M. Farebee, the chairman of the county Democratic party committee. Through his "quiet but earnest effort to induce the Board to rescind its order," licenses were again issued.[100]

This policy of attacking the traffic so annoyed the liquor dealers that they resolved to stop it. At first the courts were asked to compel the commissioners to grant licenses if the applicant could prove by two witnesses a good moral character. Several cases were finally appealed to the Supreme Court, and the Court in two decisions (S. D. Jones *et al. v.* Commissioners of Moore County[101] and Commissioners of Maxton *et al. v.* Commissioners of Robeson County)[102] held that the law allowing a discretionary right to pass upon the moral character of the applicant gave the commissioners the right to refuse licenses.[103]

Effectively blocked in this direction, the liquor dealers took steps to change the law. As a result of the disturbed political conditions, they were successful in having the legislature of 1893 take from the commissioners their discretionary power. "Upon the filing of such application and affidavits," the amended statute reads, "the county commissioners shall, without the exercise of discretion, grant an order to the sheriff to issue such license."[104] Not satisfied with this signal victory, the dealers determined to head off any renewal of the movement for local option. Through this same friendly legislature they pushed an amendment to the local-option law which provided that before the commissioners could call an election, a petition signed by one-third of the registered voters must be submitted, in lieu of the former one-fourth.[105] These laws led the Yearly Meeting of Friends to conclude, correctly, that the legislature of 1893 had "been decidedly in the interest of the liquor dealers."[106]

[98] *News and Observer,* January 19, 1892.

[99] *Loc. cit.*

[100] *Loc. cit.*

[101] 106 N. C., 436.

[102] 107 N. C., 335.

[103] The law in dispute reads: "Every person, company or firm wishing to retail liquors in quantities less than five gallons, shall apply to the board of county commissioners for an order to the sheriff to issue a license, stating the place at which it is proposed to conduct business. The board of commissioners shall, upon satisfactory evidence of good moral character of the applicants issue an order to the sheriff to grant such a license, except in territory where the sale of liquors is prohibited by law." *Laws of North Carolina,* 1887, ch. 135, pp. 255-256; and 1891, ch. 323, p. 299.

[104] *Laws of North Carolina,* 1893, ch. 294, p. 252. Provision was made in the law, however, to cover a situation similar to that of Charlotte in 1891, by allowing the commissioners the right to refuse license for law-breaking.

[105] *Ibid.,* ch. 480, p. 450.

[106] *Minutes of the North Carolina Yearly Meeting of Friends,* 1893, p. 33.

The prohibitionists resolved to have the commissioners' discretionary power restored. With the farmers and Republicans in control, the legislature in 1897 amended the law by re-inserting the "may grant" provision.[107] And the Supreme Court, in J. A. Mathis *v.* Board of Commissioners of Duplin County, ruled that the commissioners did have the right to refuse licenses.[108]

During the eighties the local-prohibition-through-special-legislation movement continued. After the defeat of state-wide prohibition in 1881, a reaction was clearly manifested. In addition to repealing promptly the defeated statute,[109] the legislature of 1883 repealed many local prohibition enactments, affecting more than thirty places in seventeen counties. Interestingly, all of these counties except three were in the East. Twelve special acts which had established prohibition within the incorporated limits of towns in Bertie, Bladen, Hyde, Stanly, and Henderson counties and around one school were also repealed.[110]

The legislature in 1883, however, was not hostile to prohibition. Prompted to action by petitions totaling about half the number presented two years before,[111] it prohibited the sale of liquor near 137 churches in 49 counties, the majority of which were in the piedmont and mountain sections.[112] In addition to the churches, 16 schools were made centers of prohibition territory. Altogether, 56 counties secured prohibition somewhere within their respective limits.

By 1885, reaction had run its course; and acts for only two churches and two towns, Statesville and Henderson, were repealed.[113] On the other hand, the sale of liquor was forbidden near 113 churches—23 within a radius of one mile, 88 within two miles, and 2 within three miles, 16 schools. 7 small towns,[114] one township,[115] and Buncombe County except Asheville—altogether representing places in 45 counties.[116] In 1887 the legislature passed laws which established prohibition near 120 churches,[117] within one township, and in Dare, Greene, Johnston, and Swain counties. The liquor laws of this session affected altogether 52 counties.[118] Two years later, 180 churches, 31 schools, 8 towns,[119] and rural Henderson

[107] *Laws of North Carolina,* 1897, ch. 168, p. 238. Druggists were first taxed in 1897 for selling by doctors' prescriptions; towns less than 500 population, $25; above, $50; *ibid.,* p. 233.

[108] 122 N. C., 416 (1898).

[109] *Laws of North Carolina,* 1883, ch. 3, p. 53.

[110] *Ibid.,* 1883, *passim.*

[111] MSS in Legislative Papers, 1883.

[112] *Laws of North Carolina,* 1883, *passim.*

[113] *Ibid.,* 1885, *passim.*

[114] Hudsonville, Caldwell; Lawingville, Franklin; Liberty, Randolph; Newton Grove, Sampson; Mission, Stanly; Lucama, Wilson; Conard, Yadkin.

[115] Cross Roads, Wilson.

[116] *Laws of North Carolina,* 1885, *passim.*

[117] Nine with radius of one mile; 111 with two miles; nine were Negro churches.

[118] *Laws of North Carolina,* 1887; *passim.*

[119] Cedar Landing, Bertie County; Morehead City, Carteret; Cumberland, Cumberland; Cherryville, Gaston; Granite Hill, Iredell; Eureka, Rockingham.

County were made dry.[120] Local-option elections were ordered in three townships. Moreover, the session marked a widespread petition movement, caused in part by the desire to have the legislature change the local-option law.[121]

The high-tide of the local-prohibition-through-special-legislation came in 1891. The local-option movement having bogged down, the prohibitionists turned to the legislature. More than 274 churches—including all in 16 counties except in towns, 36 schools, and 14 towns were made no-sale territory. Gaston County, a growing textile center, was made dry upon request. This step was looked upon by many prohibitionists as the beginning of the end of the old attitude that whiskey was necessary for efficient labor. It proved premature, however, and the act was repealed at the next session. Seventy-six counties shared in liquor legislation during this session.

From 1883 to 1891, laws were passed which prohibited the sale of liquor near 796 churches, 116 schools, and within 37 towns. Sixteen counties, except their towns, and Gaston County without exception, were made dry territory. Also about six townships were made dry. From 1893 to 1903 the area around 1086 churches and 236 schools was made prohibition territory by legislative action, always upon requests presented by petitions signed by scores of people and totaling tens of thousands.

The decline of the local-option movement after 1891 seemed only to accelerate the speed by which rural churches and other places were made no-license territory by the legislature, a movement culminating in the passage of the Watts Law in 1903.

The spread of rural prohibition did not, however, materially reduce the number of licensed saloons, because the saloon was distinctly urban. More important, the rural people were educated to a belief in the righteousness of state prohibition. The fact that thousands of voters were year after year signing petitions asking the legislature for increased restrictions on liquor helped to solidify public sentiment in favor of more stringent restrictions. No other Southern state had so many laws on prohibition, nor so many places made dry or no-license territory, as North Carolina.[122]

At about this time a definite movement was begun against the distilleries. During the entire temperance or prohibition crusade, the manufacturing establishments had generally escaped special condemnation. Of all the liquor laws passed in 1887, only four prohibited the manufacture of liquors at certain places. In the next two sessions only ten such laws were enacted, all of which were for places in the west. By 1893 a definite movement was inaugurated among rural churches to abolish the distilleries, called "hell kettles." Before this time stills were not permitted near churches, but the law was designed to correct abuses and not to

[120] *Laws of North Carolina*, 1889, *passim*.
[121] MSS in Legislative Papers, 1889.
[122] Blakey, *op. cit.*, Plate No. 4, p. 44.

regulate the supply of liquor, a policy characteristic of the new movement. At this session about thirty-nine per cent of the places asked for prohibition of manufacture as well as of sale. By 1897, of the 205 churches, 193 were protected against both sale and manufacture. Continuing the movement, the legislature in 1903 outlawed all distillation outside of town.

This movement of the drys against manufacturing establishments proved to have far-reaching implications. Started as a prohibition measure, it was soon seized upon by the Democrats to destroy within North Carolina the liquor offices of the United States internal revenue system—recruiting centers for the Republican party. Thus the first real alliance between the drys and the Democratic party in North Carolina grew out of the issue of the "hell kettles."

CHAPTER VII

SENTIMENT BUILDING—TEMPERANCE SOCIETIES, CHURCHES, AND NEWSPAPERS, 1882-1900

The tendency of the temperance reformers to attack the saloon pushed into the background the temperance societies, which emphasized personal abstinence.[1] Since the saloon was a creature of the legislature, the only way to deal with it was through governmental channels. The work of the temperance societies, therefore, was confined very largely to building sentiment for legal restrictions on the liquor traffic. Less effort was now made to pledge a large and often indifferent membership; instead emphasis was placed on getting earnest workers.

The reaction following the defeat of prohibition in 1881 wrecked the Friends of Temperance and badly demoralized the Good Templars. Unwilling to discontinue, directors of both orders met and agreed upon a plan of unification. The organization of the Good Templars was adopted because it was more strictly a temperance association, without payment of dues. Prominent among the leaders in this movement were R. H. Whitaker, of the Friends of Temperance, and N. B. Broughton, leader of the Good Templars.

By 1885 the order of Good Templars was making substantial progress. At the annual session of the Grand Lodge in 1886, about forty delegates were present from widely scattered sections of the state.[2] The report of the secretary encouraged the society to employ a full-time state lecturer whose duties were to organize new lodges and to revive old ones.[3] Some growth was experienced, but the movement was on the down grade, and disintegrated near the close of the next decade when its official newspaper was discontinued.[4] In the meanwhile it sponsored several petition movements for state prohibition. In 1889 the secretary of the Grand Lodge mailed blank petitions to temperance workers with the request that signatures be obtained.[5] The plan was to ask the legislature to submit to the voters a constitutional amendment outlawing the liquor traffic in North

[1] Bishop Edward Rondthaler, *The Memorabilia of Fifty Years*, p. 72. "The native American people are recognizing this fact [liquor evil] and with somewhat differing theories but with a growing unanimity upon the main issue are moving steadily on against the intemperance which centers itself around the saloon." See also *State Chronicle*, June 7, 1889: "The fight is not a fight for prohibition. It is a fight against barrooms."

[2] *State Chronicle*, November 11, 1886.

[3] *Ibid.*, November 11, 1886. Officers elected at this meeting included N. B. Broughton, G. G. T.; J. W. Fagan, G. Coun.; Mrs. J. F. Murrill, G. V. T.; Reverend J. W. Hatch, C. Chap.; R. H. Whitaker, G. Scribe. The membership was evidently about 1,000 or 1,500.

[4] The *Spirit of the Age* was discontinued about 1895.

[5] *State Chronicle*, March 29, 1889.

Carolina. He was poorly paid for all his effort, for only about 1,500 voters signed and returned the petitions; and the legislature, as would be expected, ignored the matter.[6]

With the introduction of the Prohibition party of the United States, the Sons of Temperance again made its appearance in the state.[7] Organized first in the western counties, where Union sentiment had been strongest, divisions were eventually founded in other sections. In 1884 such a division was started in Salisbury.[8] Charles L. Lindsay, the state organizer, attempted in 1889 to organize auxiliaries in the eastern counties, but his efforts were not very successful.[9] More success was realized in nine mountain counties, where he organized within two months eight new societies and reinstated two, with a combined membership of 225. The annual Grand Division meeting of the Sons of Temperance held in 1886 at Horning Creek had representatives present from only nine places near Asheville.[10] Its influence, therefore, was negligible;[11] being the parent of the Prohibition party, the order was primarily engaged in promoting the growth of that organization.[12]

Another old temperance society, the Independent Order of Rechabites, had "Tents" in North Carolina, which were located generally in the East. The High Tent of the United States held its national convention at Wilmington in 1885. A local paper, the *Daily Review,* commented upon the purpose and work of the convention and concluded that the temperance movement was "claiming the attention of a great portion" of the people in the state.[13]

Independent local temperance societies were also common during this

[6] *Loc. cit.;* editorial answering a question by Reverend R. L. Abernathy when he asked: "Can you account for the strange conduct of our late legislature in utterly ignoring the request of Temperance men of the State?" See also MSS in Legislative Papers, 1889.

The petition said: "To the honorable the General Assembly of North Carolina: We, the undersigned voters of . . . North Carolina, respectfully petition your honorable body to pass a law submitting to a vote of the people of the State, in August next, a Constitutional Amendment to prohibit the manufacture, sale, importation, exportation and transportation of alcoholic beverages in the State of North Carolina." *Carolina Watchman,* January 31, 1889.

[7] See footnote no. 12, *infra.*

[8] *Carolina Watchman,* April 3, 1884. Officers were: Edwin Schaver, W. P.; J. D. McNeely, P. W. P.; W. H. Wright, R. Scribe; R. N. Pendleton, A. R. S.; W. E. Galling, F. S.; G. W. Whillock, Tr.; R. M. Davis, Chaplain; T. P. Johnston, Conductor; and C. O. Baker, A. C.

[9] *Ibid.,* September 19, 1889.

[10] *Asheville Times,* October 17, 1886. Sulphur Springs, Asheville, Mt. Morenci, Asbury, Pigeon Valley, Dryman Mountain, Chester Grove, Sardis, and Pisgah divisions.

[11] *Carolina Watchman,* September 19, 1889.

[12] With the organization of the Prohibition party in Rowan County, Edwin Schaver and T. P. Johnston, men who had held office in the Sons of Temperance, were referred to as "the speaking members of the New party." They were made committeemen for Salisbury township. *Ibid.,* April 15, 1886. Subsequently Schaver was made a member of the Prohibition Party National Executive Committee, 1904-1908. A. E. Wilson, *American Prohibition Year Book,* 1907, p. 87.

[13] *Daily Review,* May 23, 1885.

period.[14] Typical was the Temperance Reform Club in Winston-Salem. In 1887 this society together with its affiliated groups had a membership of about four hundred men. They were banded together to help one another "in a reasonable way," and to help the outcast around them lead a sober life.[15] During the nineties a State Temperance Association was founded, and efforts were made to establish county associations as auxiliaries.[16] Copying from societies in some of the western states, it was organized on a non-partisan basis. In 1894 the Association sponsored a widespread petition movement asking the legislature to place increased restrictions on the liquor traffic.[17] Despite the fact that the State Conference of the Methodist church officially endorsed the Association, its accomplishments were unimportant.[18] The county association at Halifax was a model one; it was controlled by a president chosen at large from the county and an executive committee composed of one member from each township. The promotion of temperance along educational lines was said to be its objective.[19]

After the Civil War the most important society in North Carolina was the Woman's Christian Temperance Union; it was the only one to survive for any length of time. Founded at Hillsboro, Ohio, on December 23, 1873, it had by 1883 permanent state unions in every state except North Carolina and Mississippi.[20] Although local unions had been organized as early as 1881 at Wilmington, Greensboro, Asheville, Charlotte, Raleigh, and Tarboro with a total membership of 227, no attempt at that time was made to form a state union.[21] In 1883 at Greensboro, Francis E. Willard, president of the National Union, organized a state union.[22] With only sixteen members present, Mrs. A. L. Wright was chosen president, and nine vice-presidents were elected, one from each Congressional

[14] MSS Minutes of the Pleasant Hill Temperance Society.

[15] Rondthaler, *op. cit.*, p. 72.

[16] *Minutes of the North Carolina Conference of the Methodist Church* (1894), pp. 32-33; *Minutes of the North Carolina Yearly Meeting of Friends* (1895), p. 40. "Since our last report a State Temperance Society has been organized which is extending, it may slowly but we believe surely, cover all the State."

[17] MSS in Legislative Papers, 1894.

[18] *Minutes of the North Carolina Conference of the Methodist Church* (1895), p. 50: "That we furthermore most earnestly urge that the preachers and laymen of this Conference, and all other sympathizers with the temperance movement, cooperate with us in the organization of county temperance associations in line with the State Temperance Association, as the best means of agitating this question and educating our people and creating in them a healthy Temperance sentiment. That we earnestly request the preachers to encourage and insist on the organization of county Temperance Associations in line with the non-partisan Temperance Association of the State. That each preacher hold Temperance mass meetings in his charge so as to agitate the question and educate the people."

[19] *News and Observer,* September 5, 1895. Reverend R. P. Troy of Weldon was president of the society.

[20] *Minutes of the Convention of Woman's Christian Temperance Union of North Carolina* (1883), p. 1.

[21] *W. C. T. U. Minutes* (1903), p. 26; *Tarboro Southerner,* May 26, 1881; *Carolina Watchman,* May 26, 1881; *Chatham Record,* May 5, 1881.

[22] *W. C. T. U. Minutes* (1883), p. 15.

District.[23] The constitution pledged each member "to abstain from all distilled, fermented, or malt liquors." Frankly recognizing the limitations of moral suasion, it endorsed legal action to outlaw the liquor traffic. Each member was required to pay one cent a week or fifty cents a year standing dues. While it was purely a woman's organization, men might become honorary members upon the payment of one dollar a year. With a superintendent in charge of each, five departments of work were set up: juvenile work, temperance literature, influencing the press, gospel temperance meetings, and work among colored people.[24]

The growth of the society was substantial. By the second meeting of the state convention, held in Asheville, 12 auxiliaries, with 536 active and 42 honorary members, had been organized.[25] In 1903 there were about 3,000 members enrolled in 68 unions.[26]

The Woman's Christian Temperance Union did not limit its work to temperance, but engaged in a multiplicity of activities. In 1893, no less than thirty-two separate superintendents were chosen to head departments of work ranging all the way from temperance literature and scientific temperance instruction to prevention of cruelty to animals and world peace and arbitration.[27] A president of the state union characterized it as "an organized force against all that is untrue, unjust, and un-Christian." To some extent its wide interest lessened its effectiveness as an aggressive temperance order and caused at least one newspaper to conclude that it had "long since suffered to be overshadowed its one redeeming characteristic—opposition to the liquor traffic."[28]

Nevertheless, the unions were making lasting contributions through their propagandist literature and appeals to the children. In 1884 the state corresponding secretary reported that she had written 114 personal letters and distributed more than 5,000 pages of literature.[29] This work was continued, and in 1892 she distributed about 24,000 pages. Local unions were likewise busily engaged in the distribution of temperance and prohibition propaganda in their respective towns. The extent of this work may be illustrated as follows: the union at Matthews, with only 36

[23] Other officers were Mrs. E. D. Hundley, Greensboro, corresponding secretary; Mrs. Laura Winston, New Garden, recording secretary; and Mrs. E. C. Beckwith, Raleigh, treasurer.

[24] *W. C. T. U. Minutes* (1883), p. 14.

[25] *Ibid.* (1895), p. 28.

[26] *Ibid.* (1898), p. 63; *ibid.* (1903), p. 27.

[27] Superintendents were also appointed for Press work, Sunday school work, Loyal Temperance Legion, prison and alms, house work, non-alcoholics in medicines, flower mission, State and county fairs, hereditary and health, evangelistic work, purity in literature and art, temperance in high schools and colleges, young W. C. T. U. branch, temperance kindergarten, relation of temperance to capital and labor, Demorest medal contests, unfermented wines of sacrament, narcotics, mothers' meetings, parliamentary usage, systematic giving, Temple work, Southern Assembly at Waynesville, home and work amongst the colored people, physical culture, Gospel temperance meetings.

[28] *W. C. T. U. Minutes* (1896), p. 22.

[29] *Ibid.* (1884), p. 12.

members, distributed 2,000 pages,[30] and the one at Concord distributed 4,000 pages and 600 motto cards.[31] The Winston union gave away about 40,000 pages in 1893.[32] The largest number distributed in any one year by all the unions was 378,650 pages, Charlotte taking the lead with 200,000 pages to its credit.[33] Moreover, local societies usually subscribed to three or more temperance newspapers, some of which were published outside of the state, for distribution. Among those from other states were the *Union Signal, World's W. C. T. U., A Knot of White Ribbon, New Crusade,* and *Telegram.* Articles on prohibition were published in the state temperance papers and at times in a few of the political papers.[34]

Effective sentiment-building work was carried on by means of recitation and declamation contests for boys and girls. The speeches were required to be on the general subject of temperance and the evils of liquor on the body and mind. The Demorest medal contests, as they were called, were usually well attended by young and old; the best boy and the best girl speakers were awarded medals.[35] Indeed, the children were uppermost in the plans of the society. They were gathered into Bands of Hope, Loyal Temperance Legions, and kindergarten schools and were taught the evils of intemperance. Through the efforts of the Woman's Christian Temperance Union, churches set aside certain Sundays for the study of temperance.[36]

The chief legislative contribution of the society was its successful agitation for a law requiring the schools to give scientific instruction on temperance and the effect of alcohol on the human body. In 1884 a widespread petition movement for such a law failed to move the legislature.[37] The legislature did not entirely ignore the issue, for physiology and hygiene were placed on the list of subjects upon which teachers in the public schools were required to pass examinations.[38] Although more than 17,000 people unsuccessfully petitioned the legislature in 1887 for scientific instruction,[39] not until 1891 (and then without a dissenting vote) did the legislature pass "An act to provide for the study of the nature of alcoholic drinks and narcotics, and their effect upon the human system in the public schools."[40] Teachers were required to pass an examination on these subjects, and failure to teach them was cause for dismissal.[41] During the

[30] *Ibid.* (1896), p. 40.
[31] *Ibid.* (1887), p. 30.
[32] *Ibid.* (1893), p. 52.
[33] *Ibid.* (1896), p. 40.
[34] *Ibid.* (1887), p. 36. The temperance and prohibition newspapers published within the State will be given under topic *Newspapers, infra.*
[35] *Ibid.* (1890), p. 4.
[36] *Ibid.* (1892), p. 11.
[37] MSS in Legislative Papers, 1884.
[38] *Laws of North Carolina* (1885), ch. 174, p. 270.
[39] MSS in Legislative Papers, 1887; see also *W. C. T. U. Minutes* (1887), p. 10. Subsequent to the law of 1885, the state superintendent of schools selected Steele's *Physiology and Hygiene* for use in schools teaching these subjects. Teachers were examined on this book.
[40] *Laws of North Carolina* (1891), ch. 169, p. 154; *W. C. T. U. Minutes* (1891), pp. 59-63.
[41] *Loc. cit.* Mrs. C. E. Craven, of Concord, who was superintendent of that department, was chiefly responsible for the passage of the law at this session. J. Montgomery, a lawyer from Concord, drew the bill.

school year 1893-1894, more than 22,647 white and 16,283 colored children of the state, a total of 38,920, studied physiology and hygiene textbooks in which lessons on alcohol and its effect on the body were included.[42] A great victory for the Woman's Christian Temperance Union was this.[43]

Churches

The prohibition movement received much of its impelling power from churches and, more specifically, from preachers. The practice begun about 1879 of incorporating churches with a provision that liquor could not be sold within corporate limits usually of several miles radius was evidence of church action. Preachers of the local congregations wrote and circulated the petitions among their members; more often they preached sermons on intemperance and then invited the congregation to come forward and sign the petitions. Virtually all of the denominations took part in this movement.[44] In the local-option elections the preachers were the organizers for the "no-license" group.[45]

Although it was a leader in the temperance movement before the Civil War, the Baptist church after the War and more particularly after 1881 surrendered that leadership to the Methodist. From 1882 to 1900 no official action was taken by the Baptist State Convention on the subject of temperance; committee reports and recommendations which formerly had caused bitter discussions were now omitted.[46] In 1901, however, a committee was appointed which recommended a standing committee on temperance to carry on effectively a campaign of education against intemperance.[47] Reviewing the situation, the committee believed the issue required immediate attention because the saloons did "more to foster the spirit of anarchy, pull down where churches build up, to curse our homes, to demoralize society and corrupt civil affairs than any other factor with which we have to contend."[48] Later from this action the North Carolina Anti-Saloon League was born.[49]

The fact that the State Convention for many years did not take official action should not be interpreted to mean that the Baptists had become

[42] *Ibid.* (1895), p. 56.

[43] *Minutes of the North Carolina Yearly Meeting of Friends* (1891), p. 38. "This bill was secured by the earnest efforts of the Woman's Christian Temperance Union."

[44] MSS in Legislative Papers, 1882-1902. Petitions from all the denominations were presented to the legislature asking for such laws; see also *Laws of North Carolina* (1882-1902), *passim.*

[45] See ch. VI, *supra.*

[46] *Minutes of the Baptist State Convention* (1882-1900). Minutes of the years 1887 and 1889 were not examined, but no evidence was found elsewhere that action was taken at either of these conventions. The reason for this apathy is found in a report on temperance in the *Carolina Baptist Association Minutes, 1906* (p. 16). "Several years since, all our churches were not sound on the subject of temperance."

[47] *Minutes of the Baptist State Convention* (1901), p. 53.

[48] *Ibid.*, pp. 66-67.

[49] The formation of the Anti-Saloon League in North Carolina will be discussed in ch. IX, *infra.*

inactive. Many of the local associations year after year had reports and discussions on temperance.[50] "The temperance question," the historian of the South Fork Association wrote, "has caused more heated or intemperate speaking and more divisions and animosities than any other question that has come before the Association."[51] Even when bolder steps were tried, they often could not be carried out, as the Brushy Mountain Association experienced. At its yearly meeting in 1894 at Wilkesboro, the Association resolved to require each of its churches to furnish at the next meeting a report on its members who engaged in the manufacture, sale, or use of liquors.[52] If these members had not been dismissed from the church, the Association would resort to the drastic punishment of withdrawing fellowship from that congregation. When many local churches found they could not enforce this "radical" plan, they ignored the request for the report. Faced with a silent rebuke, the Association at its next meeting agreed tactfully to a resolution which recommended "Bible temperance to the hearts and conscience of all the members."[53] To avoid divisions other associations kept silent.[54]

By 1895 the Baptist *Biblical Recorder* advocated the use of the ballot to elect to the legislature men pledged against the sale of intoxicating liquors.[55] Stronger ground was taken a year later when it declared that "no Christian can afford to vote for any man who drinks liquor, or who is not firmly opposed to the liquor traffic."[56] From about this time the paper, edited by J. W. Bailey, strongly supported prohibition by local-option elections.

After the War the Methodist Church in North Carolina took the lead in the fight against the saloon and liquor traffic. Having been one of the leaders in the movement for prohibition in 1881,[57] it did not adopt following that debacle an apologetic, "please-don't-blame" attitude and remain silent. Immediately thereafter the North Carolina Conference adopted a ringing resolution of defiance to those who had abused and criticized the "little spike-tailed" dressed preachers for having actively worked for state prohibition. Ministers who had worked for prohibition were not outside

[50] *Biblical Recorder,* September 19, 1888, October 8, 1890; *Caldwell County Baptist Association Minutes* (1900), p. 5; 1901, p. 4; 1902, p. 4; *Liberty Baptist Association* (1883), p. 10; 1886, p. 11; 1891, p. 10; 1897, p. 7; 1902, p. 13; W. A. Graham, *History of the South Fork Baptist Association,* p. 116.

[51] Graham, *op. cit.,* p. 117.

[52] *Brushy Mountain Baptist Association Minutes* (1894), p. 3.

[53] *Ibid.* (1895), p. 3. Wilkes County was one of the banner whiskey counties.

[54] *Ibid.* (1893), p. 2; *Biblical Recorder,* September 19, 1888; October 8, 1890. The Raleigh Association said: "Now, whereas, the discussion of every sin equal to intemperance, or every virtue equal to temperance, would require more time than this body remains in session, we recommend that, hereafter, no committee on Temperance be appointed. We have examined the minutes of three different Associations and in no one do we find any report on 'Temperance.'" *Raleigh Baptist Association Minutes* (1882), p. 12. Another committee, however, was appointed in 1885.

[55] *Biblical Recorder,* February 27, 1895.

[56] *Ibid.,* September 9, 1896.

[57] *Minutes of the North Carolina Conference* (1880), p. 15.

of their proper sphere, it was said, but were doing their legitimate Christian work. Advised about the future, they were told that legal prohibition was the proper solution of the liquor question and that they should denounce courageously from their pulpits intemperance among their members.[58]

Almost without exception a committee on temperance was appointed yearly by the Conference.[59] In 1887 one of the strongest reports for the entire period was adopted. The time, it concluded, "has come when precepts condemning the excessive use of intoxicating liquors and recommending total abstinence as the duty of individual Christians have become trite platitudes."[60] Only a constitutional amendment forbidding the manufacture and sale of liquors within the state would correct the evils of this pernicious traffic. At the same time, the bill requiring temperance instruction in schools, sponsored by the Woman's Christian Temperance Union, was approved.

The issue of the Prohibition party in the election in 1888 was reflected in the temperance resolutions adopted at the next Conference. Omitting any reference to a constitutional amendment, the report deemed temperance, without legal or political consequences, best for the church.[61] In 1899 the Conference went so far as specifically to instrust the temperance committee to "eliminate every expression of a political nature."[62] Continuing this policy in 1893, it declared that on the important issue of temperance the church should separate itself "from all unholy and political alliances, which are more injurious than helpful to the cause."[63]

When the reaction caused by the Prohibition party passed, the Methodist Church again favored "heartily and unequivocally" the absolute suppression by law of the sale of intoxicating liquors, and resolved to memorialize the next legislature for state prohibition.[64] After this time, reports with increasing virility were adopted.[65] In 1897 the Conference, forgetting or ignoring its former shyness of political action, demanded of all political parties, if they expected the support of Methodists, that they nominate men of sobriety and men not dominated by the whiskey power.[66] Four years later it agreed to a joint petition movement with the Western North Carolina Conference for the purpose of asking the legislature to incorporate all Methodist churches and schools outside of towns not then incorporated in order to prohibit the manufacture or sale of liquor within three miles of them.[67]

[58] *Ibid.* (1881), p. 24.
[59] *Ibid.* (1882-1902).
[60] *Ibid.* (1887), p. 60.
[61] *Ibid.* (1888), pp. 59-60.
[62] *Ibid.* (1890), p. 27; see *ibid.* (1892), p. 36. Here local option and prohibition near churches and schools were favored.
[63] *Ibid.* (1893), p. 47.
[64] *Ibid.* (1894), p. 32.
[65] No report was made in 1896.
[66] *Minutes of the North Carolina Conference* (1897), p. 47; see also *ibid.* (1898), p. 68. "That we, as a Conference, are in active sympathy with every movement to prohibit the manufacture and sale of all intoxicating liquors."
[67] *Ibid.* (1901), p. 23.

The Western North Carolina Conference, likewise, annually adopted a report on temperance.[68] Although it favored complete annihilation of the saloons by prohibition, this Conference emphasized church action more and political action less. In 1900 the platform of the General Conference, the highest legislative body of the church, was adopted as their "deliverance on this question."[69] By it members were not allowed to engage in the manufacture or sale of liquors and were subject to punishment for drunkenness. Considerable interest was aroused when Daniel Atkins and C. W. Tillett were sent in 1896 as delegates to the American Anti-Saloon conference in Washington.[70]

All of the Methodist publications endorsed prohibition. The *Methodist Advance* said, "We are an uncompromising prohibitionist but not a member of the Prohibition party."[71] The *North Carolina Christian Advocate* favored legal action.[72] Another paper, the *Raleigh Christian Advocate,* took about the same position, but opposed the Prohibition party. It declared that the Methodist Church was a prohibition church but not a "Prohibition party church."[73]

The Society of Friends, at its Yearly Meetings, during this period always adopted a report on temperance.[74] By 1888 it had definitely endorsed prohibition of the liquor traffic by government action as the proper solution.[75] The Prohibition party had its most loyal supporters among the Quakers of Guilford and Randolph counties. The Yearly Meeting did not specifically endorse it; neither did it denounce it. When this party was making its strongest appeal in 1888, the Meeting declared "that many begin to see they must by their ballots as well as their prayers oppose the traffic in intoxicating liquors."[76] Church temperance societies were formed in many of the monthly meetings,[77] and to further temperance work the Yearly Meeting usually appropriated fifty dollars.

In the meanwhile, a steady stream of petitions from Quaker signers continued year after year to flow into the legislative chambers. Some asked for state prohibition, others denounced the license system, while yet others demanded increased restrictions on the liquor dealers.[78] It was largely through Quaker leadership that the legislature amended the license law, returning to the county commissioners their former discretionary power to withhold licenses.[79] In 1895 the Yearly Meeting adopted this analytic report:

[68] *Minutes of the Western North Carolina Conference,* 1890 to 1910.
[69] *Ibid.* (1890), p. 36.
[70] *Ibid.* (1896), p. 43. A delegate was sent to the Ohio meeting in 1897.
[71] November 12, 1884.
[72] July 4, 1894.
[73] August 12, 1891.
[74] *Minutes of the North Carolina Yearly Meeting of Friends,* 1882-1902.
[75] *Ibid.* (1888), p. 45.
[76] *Loc. cit.*
[77] *Ibid.* (1889), p. 38.
[78] MSS in Legislative Papers, 1882-1902.
[79] *Minutes of the North Carolina Yearly Meeting of Friends* (1897), p. 50.

The work has passed the initiative and is no longer simply a fight against drunkenness but a total abstinence for the individual and the entire destruction of the liquor traffic is the end for which we labor, the public sentiment is focusing and crystallizing upon these points. . . .

While we know that no legislation will make men Christians, yet it is the duty of the church to preserve her membership pure, so that no stain rest upon her character and reputation and she become a stumbling block to others.[80]

The North Carolina Synod of the Presbyterian Church followed a conservative course on prohibition.[81] When the National Woman's Christion Temperance Union in 1886 asked the Synod to set aside one day of their week of prayer for the suppression of the liquor traffic, the request was promptly granted with the comment that the Synod was deeply impressed with the awful evil of intemperance and that it sympathized with every proper effort to exterminate it.[82] Proper effort meant evidently that the church as a church should not favor prohibition; for, when the Evangelical Alliance of Wilmington several years later asked the Synod to petition the legislature to pass an amendment to the liquor laws that would require the names of the applicants for licenses to be published at least one month before the license could be granted, the church did "not deem it proper or necessary to memorialize the Legislature on the subject *as a Synod!*"[83] This should not be taken to mean that the Presbyterians were lukewarm to prohibition;[84] the Synod objected only to official church action. *The North Carolina Presbyterian* was one of the strongest propagandists for prohibition.

The Episcopal Diocese of North Carolina disregarded the prohibition issue.[85] Yet the church had now abandoned its former opposition to temperance societies.[86] Illustrative of this change in attitude was the organization of the Church Temperance Society by Bishop Atkinson. It was to promote temperance education for members of that church and especially for the children. The *Gospel Messenger* urged prohibition as the best way to promote temperance.

The Synod of the North Carolina division of the Lutheran Church,

[80] *Ibid.* (1895), p. 40.
[81] *Minutes of the Synod of North Carolina,* 1882-1902.
[82] *Ibid.* (1886), pp. 23-24.
[83] *Ibid.*, p. 202. The report emphasized that individuals and not the Synod should do this work.
[84] B. York, *Autobiography,* p. 134. In writing about prohibition in Guilford County in 1886, York told of a Presbyterian church which was bitterly opposed to prohibition, saying it was "unlike any other Presbyterian congregation I ever knew." He attributed this hostility to the fact that its membership was made up of former members of the German Reformed Church of that neighborhood and that when the Reformed congregation undertook to place temperance in the church, about half of the members withdrew and built a new building and joined the Presbyterians. York added that the preacher of this new church, Miller by name, "was sound to the core" on temperance.
[85] *Journal of the Convention of the Diocese of North Carolina of the Protestant Episcopal Church,* 1882-1902.
[86] *Asheville Citizen,* May 23, 1886.

the denomination that before the Civil War had endorsed prohibition, did not consider prohibition a legitimate subject for consideration.[87] The Convention of the Christian Church adopted several reports on temperance in which prohibition was approved.[88]

Post-war Newspapers

The first temperance newspaper published in North Carolina after the Civil War was the *Friend of Temperance.* Founded soon after the order of the Friends of Temperance was started in 1867, it was edited by Reverend and Mrs. R. H. Whitaker. After the election of 1881 it was discontinued when Whitaker bought the *Spirit of the Age,* which became the official organ of both the Friends of Temperance and the Good Templars.[89]

In 1871 T. N. Ramsay of Raleigh began the publication of a small weekly called the *Banner of Temperance.* This paper was published only for about a year, and in 1872 it was superseded by a revived *Spirit of the Age,* the organ of the Independent Order of Good Templars of North Carolina.[90] Soon another paper called the *Good Templars* appeared in Raleigh. By 1881 the *Friend of Temperance* and the *Good Templars* were under the same management, and, as just explained, a further consolidation was made just after the election of 1881, when they were combined with the *Spirit of the Age.*[91]

During the prohibition campaign of 1881, several prohibition papers were begun, but most of these were discontinued after the election. The *Evening Star,* edited by John S. Hampton of Raleigh, early in February became the official organ of the Liquor Law Association formed to promote prohibition.[92] Mrs. E. H. McLaughlin began a small sheet in Salisbury called the *Prohibitionist.*[93] The *North Carolina Prohibitionist* was founded in Raleigh during April.[94] Greensboro also had a temperance paper called the *Daily Battle Ground,* edited by J. W. Albright for a committee of temperance men.[95] The *Leader* of Winston, devoted to prohibition, was begun about this time.[96] In Cabarrus County a committee of prohibition advocates issued the *Temperance Herald.*[97]

After the prohibition election of 1881, the *Spirit of the Age* was until 1895 the leading temperance paper. It opposed the Prohibition party, but

[87] *Minutes of the North Carolina Synod of the Evangelical Lutheran Church,* 1882-1902.
[88] *Proceedings of the Missionary Convention of North Carolina Christian Church, Disciples of Christ* (1891), p. 10; *ibid.* (1900), p. 22.
[89] *Spirit of the Age,* August 11, 1886.
[90] *Sentinel,* September 30, 1872.
[91] *Daily Review,* January 15, 1881.
[92] *Tarboro Southerner,* January 6, 1881.
[93] *Carolina Watchman,* February 3, 1881.
[94] *Farmer and the Mechanic,* April 21, 1881.
[95] *Ibid.,* June 2, 1881.
[96] *Charlotte Observer,* August 3, 1881.
[97] *Farmer and the Mechanic,* June 9, 1881.

helped lead the movements for local option and legislative prohibition.[98]

The introduction into North Carolina of the Prohibition party and the corresponding local-option movement about 1886 brought out several new papers. The *North Carolina Prohibitionist,* a small weekly devoted to the Prohibition party, was started in 1885 at Bush Hill, but about a year later it was moved to Greensboro.[99] The *Prohibition Leader* was then started at Bush Hill.[100] It was edited by J. R. Jones, a prominent member of the Quaker church, who was usually made chairman of the temperance committees of the Yearly Meetings.[101] After being published for about a year, it, too, was moved to Greensboro.[102]

The *Western Carolinian,* edited and published in 1886 by J. L. Murrill of Hickory, was advertised as the only prohibition paper in western North Carolina. Introduced as the official organ of the Sons of Temperance and the Prohibition party, it claimed, in soliciting advertisers, to have a guaranteed circulation in over fifty counties. The subscription rate was one dollar in advance. If not still-born, its life must have been short.[103]

Another paper, the *Ballot,* was begun in Charlotte during August of the same year. Notwithstanding its name, the *Ballot* was "scrupulously non-political" and was not the organ of any "party, clique or aspirant to office." It stated in its initial copy, "We have no quarrel with our third party friends (so-called). It is only a question of method. We believe that more can be accomplished for the cause on the lines of local option."[104] Edited weekly by Reverend W. M. Robey, it lasted less than a year.[105]

In Concord the *Prohibition Banner,* edited and owned by Reverend W. G. A. Graham, was started in 1886 as a Prohibition party organ.[106] Moved to Salisbury and then to Statesville, it was soon discontinued because of the lack of support.[107] For less than a year, the *Temperance Advocate* was published in Concord. It denied any connection with the Prohibition party.[108]

During the election of 1888 a Prohibition party paper called *Durham Progress,* edited by W. G. Burkhead, was begun in Durham.[109] The poor showing of the party in that election led to the consolidation of the *North Carolina Prohibitionist,* the *Durham Progress,* and the *Prohibition*

[98] *Reports of the Bureau of Labor Statistics of North Carolina* (1895), p. 396.
[99] *News and Observer,* March 2, 1886.
[100] *State Chronicle,* July 27, November 23, 1888.
[101] *Minutes of the North Carolina Yearly Meeting of Friends* (1887), p. 25; *ibid.* (1902), p. 45.
[102] *W. C. T. U. Minutes* (1887), p. 36.
[103] *Spirit of the Age,* August 11, 1886.
[104] *Church Messenger,* August 19, 1886.
[105] *News and Observer,* July 6, 1886.
[106] *Carolina Watchman,* September 30, 1886.
[107] *Ibid.,* January 13, 1887: "His reason for it is doubtless best known to himself. Very probably, however, the Banner didn't ban worth a cent here (Salisbury). Hence the migration."
[108] *W. C. T. U. Minutes* (1887), p. 36.
[109] *State Chronicle,* November 16, 1888.

Leader[110] into a new paper called the *North State Prohibitionist,* edited by Burkhead.[111] The new venture was financed by a stock company composed of members of the Prohibition party. The original plan was to publish the paper in Durham until early in 1889 and then move it to Raleigh. After a short delay, however, it was taken to Greensboro, where it was published for about a year and then discontinued.[112]

Asheville had two papers sponsored by the Sons of Temperance—the *Temperance Banner,* begun in 1889, and the *Temperance Herald,* in 1890. The former was a monthly edited by Charles L. Lindsay, state organizer for the order. It was described as "a very neatly got up little paper . . . at 25 cents a year."[113] Following its demise, the *Temperance Herald* was published weekly for about two years.[114]

Although not exclusively devoted to the Prohibition party, two other papers supported it: the *Reidsville Times,* a weekly with a circulation of about 500, and the *Living Age Issue,* of High Point, with a circulation of about 1,000.[115] During the campaign of 1890, J. W. Long published in Randolph County the *Political Broadaxe,* a Prohibition party paper. The *Nationalist* was the last Prohibition party newspaper published in North Carolina. Meeting in Durham, the executive committee planned in 1896 a twenty-eight column paper which was to begin with a guaranteed circulation of 1,500 copies.[116] Reverend D. H. Tuttle and H. J. Dowell, both of Raleigh, were made editor and business manager, respectively. It was discontinued after the election of 1896.[117]

The Woman's Christian Temperance Union had two publications. At the meeting of the State Union in 1885, it was decided to publish the *Anchor,* with Mrs. E. D. Hundley as editor.[118] The paper was published monthly in Greensboro from March, 1885,[119] to about 1893.[120] To take its place, the *North Carolina White Ribbon* was started in July, 1896.[121] Published in High Point and edited jointly, at first, by Mrs. Mary E. Cartland and Mrs. C. E. Craven, it was moved to Greensboro during the

[110] Subsequent to the campaign it had been removed to Raleigh. *Ibid.,* August 17, 1888.

[111] *State Chronicle,* November 30, 1888.

[112] *Reports of the Bureau of Labor Statistics of North Carolina* (1889), p. 288. This report lists Greensboro as the place of publication.

[113] *Carolina Watchman,* September 19, 1889.

[114] *Reports of the Bureau of Labor Statistics of North Carolina* (1890), p. 315. This paper was listed again for the year 1892, but not for the following year, 1893; *ibid.* (1893), p. 133.

[115] W. F. Copeland, *Handbook of Prohibition Facts* (1892), p. 98.

[116] *News and Observer,* August 28, 1896.

[117] The *Nationalist* was not listed among the newspapers of North Carolina by the Bureau of Labor Statistics of North Carolina.

[118] *W. C. T. U. Minutes* (1885), p. 14.

[119] The *Anchor,* July, 1885.

[120] *Reports of the Bureau of Labor Statistics of North Carolina* gave the paper for 1892 but not for 1893; *ibid.* (1893), p. 133. The paper had been moved to Asheville before 1889; *ibid.* (1889), p. 287.

[121] *North Carolina White Ribbon,* July 1, 1896.

summer of 1899.[122] Beginning as a small four-page monthly, it was enlarged to eight pages in 1900, but the subscription rate remained at twenty-five cents. In 1899, some 1,300 copies were circulated monthly in all the unions.[123]

Another paper devoted to the interest of the society, although not officially connected with it, was the *Woman's Christian Temperance Union Tidings*. It was begun in Charlotte in 1897 with Mrs. Annie W. Blackwell as editor.[124] Published monthly for twenty-five cents a year, it had a bona fide circulation of 600 copies in 1902.[125] In 1904 it was moved to Greensboro, and Mary A. Lynch became editor.[126] After a brief existence, it was consolidated with the *North Carolina White Ribbon*.[127]

The anti-prohibitionists were not without newspapers. During the life of the Liberal-Anti-Prohibition party, the *State Journal* was its official organ. John Spelman, at his death, was spoken of by the *State Chronicle* as once editor of the *State Journal,* "which was a very spicy and aggressive Anti-Prohibition paper . . . and while he advocated that cause, he made his paper bright and readable."[128] More openly than the *Journal,* the liquor dealers' organ was the *Plaindealers,* first published in Rocky Mount in 1889.[129] In 1893 the Liquor Dealers, Distillers, and Grape Growers Association of North Carolina adopted it as their official paper.[130] With A. V. Dockery editor, this small journal was published monthly in Raleigh for about two years.[131]

[122] *North Carolina White Ribbon,* June, 1899, at High Point; September, 1899, at Greensboro.

[123] *W. C. T. U. Minutes* (1899), p. 79. The bona fide circulation in 1902 was 1,000: *Reports of the Bureau of Labor Statistics of North Carolina* (1902), p. 213.

[124] *Reports of the Bureau of Labor Statistics of North Carolina* (1899), p. 344.

[125] *Ibid.* (1902), p. 215. Mrs. Florence J. Hunt was editor in 1902; *ibid.,* p. 203.

[126] *Ibid.* (1904), p. 135. Circulation not listed; *ibid.,* p. 147.

[127] *Loc. cit.;* not listed in 1905; *ibid.* (1905), p. 294.

[128] *State Journal,* April 12, 1889.

[129] *Reports of the Bureau of Labor Statistics of North Carolina* (1889), p. 290.

[130] *News and Observer,* June 27, 1893.

[131] *Reports of the Bureau of Labor Statistics of North Carolina* (1894 and 1895) lists it among the Raleigh newspapers. It is not listed in 1896 or thereafter.

CHAPTER VIII

THE DISPENSARY MOVEMENT

One of the most interesting developments in liquor control was the dispensary movement. The dispensary, as adopted in North Carolina, was a modification of the state dispensary established in South Carolina. Introduced into South Carolina in 1893, the system of state monopoly of the sale of intoxicating liquors was largely an adaptation of the Gothenburg system in Europe, a system of private monopoly. The immediate cause for this action in South Carolina was the attempt of Governor Tillman to head off what appeared to be state prohibition. A state-wide election in 1892 gave a majority of about ten thousand for prohibition, out of a total vote of sixty-eight thousand.[1] Tillman, who recently had been elected governor on a reform ticket, was supported by many voters who were in favor of the old license system. Therefore, in order to please both the license advocates and the temperance voters, he proposed as a compromise a state monopoly for the sale of liquor in South Carolina, known as the dispensary.

Briefly, under the dispensary, no liquor could be sold in South Carolina except by the government. A state board of control, composed of five members elected by the legislature, had general supervision, appointed the central and county dispensary commissioners, clerks, and subordinate officials, and fixed their salaries. Thus a state-wide system was inaugurated.

The voters who had supported prohibition in the election of 1892 were not pleased with the substitute but were willing to give the dispensary a trial. For several years the system worked very well. By means of bribery and wholesale corruption, however, the liquor forces soon were able to make it odious to many people of the State; and when bribery and corruption were proved to be prevalent in high political places, the legislature of 1906 abolished the state monopoly system but allowed any county to retain or establish its own dispensary.[2]

Although North Carolina did not establish a *state* dispensary, the experiment of South Carolina was watched with a great deal of interest; consequently, during the first years of its operation the conviction became fixed gradually in the minds of many people that the dispensary would solve the liquor problem in North Carolina also.[3] Thus, in several towns and counties movements were begun to establish *local* dispensaries

[1] D. L. Colvin, *Prohibition in the United States,* p. 293.
[2] *Ibid.,* p. 299.
[3] A. J. McKelway, "The Dispensary in North Carolina," extract from the *Outlook,* April 8, 1899.

under a state law. There was a fundamental difference between the movement in North Carolina and the movement in South Carolina. In the latter it was primarily political, while in the former it was moral.

The movement in North Carolina began during the middle nineties when the legislature of 1895 passed two acts regarding the new form of liquor control. One was a law establishing a dispensary in Waynesville, Haywood County,[4] and the other was an act providing for an election in Hickory on the question of establishing a dispensary there.[5] Although provided for, no election was held in Hickory; hence the Waynesville dispensary was established two years before any other in the state.

The Waynesville act provided that the mayor and board of aldermen should elect three citizens of the town to serve as a dispensary commission.[6] This commission was authorized to establish a "dispensary for the sale of spirituous, vinous, and malt liquors" at a convenient place on Main Street. Immediate control was to be placed under a manager, elected by the commission and directly responsible to it. Further, it was to fix the price of liquor, to make all necessary rules and regulations—such as determining the amount of liquor to be sold to any one person—to sign all checks, and to have the liquors analyzed from time to time. In order to keep the dispensary out of municipal politics, the law made the members of the commission ineligible to hold any other office during their incumbency or one year thereafter. The manager was required to give a bond of not less than $500 that he would operate the dispensary according to law, carry out all local regulations, and make monthly reports to the commission of the number and value of sales.

Some of the local regulations were written into the law. As examples, liquor could not be dispensed except in sealed packages of one-half pint or more, could not be drunk on the premises, could not be sold on Sunday or election days or to persons reselling it. Loitering in or about the building was absolutely forbidden.

The necessary expenses for establishing the dispensary and purchasing supplies were to be paid out of the town treasury. At the end of each year the commission was to make a report to the mayor and town aldermen, showing the receipts and disbursements and the net profit made. The net profit, or that amount agreed upon each year by the mayor, clerk of the superior court, and chairman of the board of county commissioners of

[4] The authorship of the Waynesville dispensary bill became subsequently a subject of newspaper controversy, participated in by the *Raleigh Tribune*, the *Waynesville Courier*, and the *News and Observer*. Representative W. L. Lee, of Waynesville, together with Senator W. Shook, of that District, wrote the bill from a copy of the law of Athens, Georgia. Lee first suggested the law and put it through the House; Shook was responsible for its passage in the Senate.

[5] *Laws of North Carolina* (1895), ch. 241, p. 310. The Hickory law was more general and left more power in the hands of the town aldermen. The Hickory act was ratified March 12, and the Waynesville act March 13.

[6] *Ibid.*, ch. 331, p. 545. The commission was forbidden to make a profit exceeding eighty per cent above the actual cost.

Haywood, was to be divided equally between the town of Waynesville and Haywood County. The former could use its share for general town expenses, but the latter was directed to put its share to the credit of the school fund.

Selling contrary to law was made a misdemeanor, punishable by a fine of from $50 to $200 and imprisonment for not less than thirty days, at the discretion of the court. Wine makers were allowed to sell their product in quantities of not less than a quart, provided it was not drunk on the premises where sold.[7]

The dispensary at Waynesville was opened under auspicious circumstances. The first day it sold $35 worth of liquors. The general opinion, declared the *Wilmington Review,* was that the new system would be preferable to the regime having "so called prohibition with its drug stores and blind tigers. . . . There is no South Carolina business in this. The Commissioners are working solely for the safety and well being of their county and the town is not trying to set up a money making enterprise."[8] People who were favorable to the experiment pointed out that a dispensary did not have the attractions of the saloon and would not, therefore, entice men to drink as readily. James P. Cook, editor of the *Concord Standard,* made a visit to Waynesville to see it in operation, and he described the inside thus: "There are no screens, no blinds, no curtains, no pole to lean on, no man with a towel in his hand. The stuff is arranged about the large room in kegs, barrels, flasks, and bottles. There is a vestibule made of a lattice work. Behind this no one goes but the manager."[9]

Two years later the *Waynesville Courier,* in commenting on the second annual report of the commission, said that the report was "eminently satisfactory" to those whose duty it was to approve the report.[10] Sales for the year ending April 1, 1897, amounted to $10,530.45, an increase of $2,264.27 over the previous year, of which amount $3,112.91 was profit.[11] While it was "sad to contemplate so much money being spent for liquors," remarked the *Waynesville Courier,* it concluded that the money should be paid into the dispensary rather than into saloons and blind tigers.[12]

By 1897 the dispensary had become the leading issue for temperance reform in many towns. Consequently, when the legislature met, petitions from towns and counties were presented asking for establishment of dis-

[7] *Ibid.,* ch. 331, p. 555.
[8] *Chatham Record,* May 9, 1895, quoting the *Daily Review.*
[9] *News and Observer,* February 14, 1896, quoting the *Concord Standard.*
[10] *Ibid.,* April 20, 1897, quoting the *Waynesville Courier.*
[11] *Loc. cit.* Summary of report:

Gross sales for year ending April 1, 1897	$10,530.45
Paid for stock	5,651.95
Expense account	1,220.92
Paid town and county	1,956.47
Cash on hand	1,701.11
Stock on hand	1,301.81
Total profits for year	3,112.91

[12] *Loc. cit.*

pensaries and abolition of the saloons. Typical of these general petitions was one submitted by the Baptist Young People's Union of North Carolina:

> We, the Baptist young people of North Carolina, representing every county and section, do hereby most humbly and sincerely petition your honorable body, to use every lawful and reasonable means within your power to pass the bills now pending for the establishment of dispensaries in certain towns and counties in North Carolina, and to use every honorable means to suppress the traffic that is cursing our State, blighting her young manhood, weakening all her citizens, crippling her schools and impeding the progress and usefulness of every church and Christian enterprise in North Carolina.[13]

While the legislature of 1897 was "distinctly a prohibition body,"[14] passing laws establishing dispensaries for Bladen,[15] Cumberland,[16] Union,[17] and Haywood[18] counties and for a number of towns, the liquor dealers were able to defeat similar bills for Wayne, Cleveland, and Vance counties and for four towns.[19] In every instance, the bills were stoutly opposed by the united strength of the North Carolina Liquor Dealers' Association.[20] In Vance County, the liquor men employed J. M. Moody, who had been instrumental in having a dispensary established in Waynesville two years before, to fight the bill for that county.[21] The dispensary advocates did not depend entirely upon petitions to influence the legislature, as had been the custom in the past. At mass meetings, public-spirited men were appointed, usually at their own expense, to go to Raleigh to urge their cause before the legislative committees.[22]

The two most important contests over the establishment of dispensaries during the 1897 legislature were precipitated by the Asheville and the Cumberland bills. The Asheville bill passed the House,[23] but was defeated in the Senate when the judiciary committee amended it by providing that an election should be held only in Asheville.[24] The dispensary

[13] MS in Legislative Papers, 1897.
[14] *Fayetteville Observer,* March 3, 1897, quoting the *Wilmington Star.*
[15] *Laws of North Carolina* (1897), p. 304.
[16] *Ibid.,* p. 387. [17] *Ibid.,* p. 634. [18] *Ibid.,* p. 507.
[19] *Journal of the House* (1897), pp. 922, 923, 1022; *Journal of Senate* (1897), pp. 259, 592; *Fayetteville Observer,* March 3, 1897; MSS in Legislative Papers, 1897.
[20] *Fayetteville Observer,* March 1, 1897. "A number of prominent citizens have been in Raleigh fighting the Cumberland bill, besides Messrs. W. J. McDonald and J. W. Ingold, representatives of the liquor men."
[21] *News and Observer,* January 30, 1897.
[22] *Loc. cit.* "Quite a delegation from Henderson was here yesterday and appeared before the Proposition and Grievance Committee of the Senate in reference to the Dispensary."
[23] *Journal of the House* (1897), p. 823.
[24] *Journal of the Senate* (1897), p. 669. The *News and Observer,* March 4, 1897 gives an account of the fight in the committee, under the title "The Liquor Men Win." Reverend Hezekiah Cudger and Mayor Cooke led the fight for saloons. The president of the Liquor Dealers' Association was present but did not speak. "Mr. Candler, of Buncombe (the leader of the dispensary forces) said it was pretty hard for a plain citizen to appear before a committee in opposition to paid attorneys, president of the Liquor Dealers' Association, and the mayor of the city of Asheville, who had been here lobbying against the bill."

members of the Senate did not wish to agree to an election on the issue, and under no circumstances would they agree to vote unless Buncombe County, where prohibition sentiment was stronger than in the town, also was allowed to vote. They opposed, they said, an election on the issue because the liquor dealers would buy with money and liquor enough votes to win. Hence, in almost every instance the liquor dealers were favorable to elections, a procedure so despised during the local-option contests of the former decade, while the dispensary and temperance workers were opposed to them.

The movement in Cumberland County was begun by Reverend A. J. McKelway, of the First Presbyterian Church in Fayetteville, and other ministers.[25] They sent blank petitions to all the ministers and church officials in the county, and these, signed by over a thousand voters, were presented to the legislature in support of the Cumberland dispensary bill.

The liquor dealers and their friends misjudged the strength of the movement until, to their surprise, the bill was almost a law. Then, seeing the hopelessness of the situation, they attempted, by a clever maneuver, to divide the supporters of the dispensary by demanding absolute prohibition for the county. Not only did the liquor dealers hope to divide the temperance forces into a dispensary wing and a straight-out prohibition wing, but they actually much preferred prohibition. If there was anything more despised and feared by the saloon keepers than a dispensary, it was another dispensary.

In the case of the Cumberland bill, the prohibitionists were warned that the demand of the liquor men was a trick to defeat any temperance reform; so they remained steadfast in their support of the bill. The prohibitionists agreed that the dispensary was a step toward prohibition or at least the lesser of two bad forms of control—dispensaries and saloons.[26] Party politics did not openly have any bearing one way or the other on the question.[27]

The passage[28] of the Cumberland bill "caused great excitement" in

[25] McKelway, *op. cit., passim.* [26] *Ibid.*, p. 1.

[27] *Fayetteville Observer,* March 6, 1897. McKelway said: "There was no politics in the Bill. It was introduced in the Senate by a Populist, in the House by a Republican, was opposed on the floor yesterday by three Republicans and a Bolting Populist—was supported by the Democratic vote in the House, almost, if not quite unanimously—and opposed by the colored Republican vote." The vote by political parties was as follows:

Democrats	18 for and 7 against the law.
Populists	30 for and 2 against the law.
Republicans	25 for and 28 against the law.
Total vote	73 for and 37 against the law.

An amendment to submit the dispensary question to a popular vote was defeated in the following manner:

Democrats	10 for and 12 against the amendment.
Populists	5 for and 29 against the amendment.
Republicans	26 for and 14 against the amendment.

[28] For an account of the passage of the bill see *News and Observer,* March 5 1897.

Fayetteville.[29] The *Fayetteville Observer* felt as if the "sudden revolution" would produce a bad effect on the social and economic life of the town, but trusted, as its advocates claimed, "that it will be all right in the end."[30]

By the time of the meeting of the next legislature, 1899, the movement for dispensaries had become general. In answer to this demand, the legislature enacted laws establishing dispensaries in fourteen towns, with a proviso in two of them that elections should be held.[31] In only one instance was the dispensary law repealed. The Bladen County act of the former session was repealed because, according to the representative, the people "were a unit for its repeal, liquor dealers, ministers, and moonshiners."[32]

The Liquor Dealers' Association again vigorously opposed each of these bills in turn. In addition to the bills passed, a number of others were introduced to establish dispensaries or to repeal acts of the former session. The two most famous of these, the two that attracted state-wide interest, were the bills for a repeal of the Cumberland law, a movement of the liquor dealers, and for the establishment of a dispensary in Charlotte, a movement of the temperance forces of that city.

The bill[33] for the repeal of the dispensary in Cumberland, accompanied with a petition[34] signed by seven hundred people of the county, was introduced during the first few days of the session. The dispensary advocates, knowing of the movement by the liquor men to have the act of the former session repealed, were not idle. They immediately presented petitions signed by more than 1,100 white men and sixty-eight white women, asking that the law not be repealed.[35] In the meantime, after the House had re-

[29] *Fayetteville Observer,* March 5, 1897, March 15, 1897.

[30] *Ibid.,* March 5, 1897.

[31] *Laws of North Carolina* (1899), *passim.* A list of the towns and places given dispensaries by the legislature of 1899 included Smithfield, Jackson, Greensboro, Madison, Clayton, Lexington (election), Franklin, Clinton, Seaboard, Whiteville, Warrenton, Morganton (election), Bryson City, Selma, Bethel township (Pitt).

During the adjourned session of the legislature in 1899, a dispensary law was passed providing for an election in Swain County. See *ibid., Adjourned Session* (1899), ch. 2, p. 64; see also *Charlotte Observer,* February 17, 1899. "In the last three weeks about 30 dispensary bills have been introduced and the number is daily increasing."

[32] *Fayetteville Observer,* February 1, 1899.

[33] *Journal of the House* (1899), p. 67.

[34] *Fayetteville Observer,* January 12, 1899. D. T. Oates, a leader for the dispensary forces, charged that the liquor petition was signed by 200 Negroes, and 150 drunkards who could not get whiskey from the dispensary. When he appeared before the legislative committee, he reviewed the petition of the liquor dealers in the following manner: "He went over all the names, saying of them, 'he is a loafer'; 'he is a drunkard'; 'he is a good man'; 'he was a bar keeper'; 'I will pass over him if the other side will'; 'he is a minor' and the like"; *News and Observer,* January 19, 1899. The dispensary was a financial success in Fayetteville. During the year of its operation profits had been made amounting to $10,500. Of this amount $2,400 was paid to the county and $2,400 to the city. Before the establishment of the dispensary, twelve saloons had paid altogether only $2,400.

[35] *News and Observer,* January 19, 1899.

fused to agree to another amendment providing that the law should be submitted to a vote of the people, another bill for the purpose of amending the Cumberland act had been introduced into the House and passed there without a roll call.[36]

The whiskey men, seeing the progress of the legislation and guessing that the legislature would defeat their bill, attempted to inject politics into the fight. They declared they had been given to understand by the Democratic party of the county during the last political campaign that if they would support that party and it carried the election, the dispensary law would be repealed because it was a Republican measure, having been passed while the party had control of the legislature.[37] The editor of the *Fayetteville Observer,* who, quite clearly, sympathized with the liquor men, was instrumental in calling in Fayetteville a great mass meeting to consider the question.[38]

The mass meeting of the citizens of Fayetteville, according to the editor of the *Fayetteville Observer,* attended by "most of the prominent business men of the city" and those "who only go to public meetings when the gravest of crises confront the people," violently opposed the action of the legislature in passing the amendment and in refusing to submit the issue to a vote of the people.[39] In the resolutions adopted at the meeting, it was declared that representative government had never "received a worse blow," that the dispensary there was the work of Republicans and Populists, that the law should be repealed, and that the question should be submitted to the people for their approval or rejection.[40]

This effort of the liquor dealers to inject politics into the fight was interesting, but they completely overlooked or disregarded the fact that more Democrats voted for the law in the session of 1897 than did Republicans. Their charge regarding the local promises, manifestly untrue, showed the nature of the liquor issue in this and many other counties.[41]

The action of the mass meeting in Fayetteville reopened the Cumberland dispensary issue in the legislature, an issue that had already assumed

[36] *Journal of the House* (1899), p. 204; see also *News and Observer,* January 25, 1899, article on first page entitled: "No Bar Rooms for Fayetteville, She will Worry along with her Dispensary. For it is working well. The 'antis' meet a Waterloo in the House. The popular racket fails."

[37] *News and Observer,* January 19, 20, 25, 1899.

[38] *Fayetteville Observer,* January 26, 1899.

[39] *Loc. cit.*

[40] The editor of the *Fayetteville Observer* gave an explanation of the previous apathy of the people when he said that it was on account of the disinclination of many people to appear on the side of the whiskey men. Then he naively let the cat out of the bag by saying that the fight was really to destroy the "negro-Fusion monopoly," and that the question "involved the very foundation of free government."

[41] See footnote no. 27, *supra.* Nothing was said about politics or any pledge given by the Democrats in the committee meeting by Robinson, Democrat of Forsyth, who originally introduced the amendment asking for an election on the question. Indeed, these phases were not mentioned until the editor of the *Fayetteville Observer* wrote his subsequent broadside denouncing the law.

state-wide interest because of its relative bearing on all similar projects. Before the Senate judiciary committee, both sides again appeared, the "antis" bearing the petitions signed by 1,100 people, and the "pros," by 1,687.[42] Captain J. W. McNeill vehemently denied the allegation of the liquor dealers that any official pledges had been made by the Democratic party or that such promises, either expressed or implied, had been made by any of the people responsible for the establishment of the dispensary. He further pointed out the inconsistency of the saloon advocates by showing that the last campaign had been fought on the issue of white supremacy, whereas now the same people were demanding an election in which the Negro vote would control. Consequently, good Democratic doctrine of local government found that it could not look forward and backward at the same time, and thus the legislature refused to repeal the Cumberland law.[43]

The progress of the Cumberland contest encouraged the already moving dispensary advocates of Greensboro to send to Raleigh a delegation of some two hundred influential citizens, bearing a petition signed by seventeen hundred people of Greensboro, to demand a dispensary for that town.[44] Judge J. G. Bynum, employed as attorney, accompanied to discuss the legal side of the question. The liquor dealers sent Major Charles M. Stedman, R. R. King, and Judge J. C. McRae to represent them, carrying a petition given them by the saloon keepers.[45]

This popular uprising gave the representatives from Guilford no little worry. Finally, they decided to attempt to obtain a true expression of a majority of the white people of Greensboro, and to be guided by the results of an informal election, with only the white people participating, on the question of establishing a dispensary for Greensboro. The election was subsequently held; but the liquor dealers and their friends refused to participate, and the dispensary won almost unanimously, 531 for and only 2 against.[46]

The saloon forces then appeared before the legislature with a petition signed by 2,680 white voters of Guilford, asking that the question be submitted to a vote of the white voters in the county and not just in the town of Greensboro.[47] The liquor men thought they could defeat the dispensary by voting the large number of white people in the rural districts who were no more favorable to the dispensary than to the saloons and who would probably vote against this "compromise." The legislature, however, accepted the results of the informal election and passed the bill for a dis-

[42] *News and Observer,* February 8, 1899.
[43] *Ibid.,* February 9, 1899.
[44] *Loc. cit.*
[45] McKelway, *op. cit.,* p. 2; *News and Observer,* February 10, 1899. During the committee meeting, Dr. Egbert W. Smith said of the antis' petition: "Names had been signed four or five times." See also *Newbern Journal,* February 11, 1899, which said that 200 delegates came from Greensboro to Raleigh.
[46] *News and Observer,* February 18, 19, 1899.
[47] *Ibid.,* February 23, 1899.

pensary in Greensboro, after defeating an amendment providing for an election in the county.[48]

The most spectacular fight regarding a dispensary bill in the legislature of 1899 was over the one proposed for Charlotte, the largest town in the state. Late in January three preachers and two laymen met in conference and arranged to send out circulars and blank petitions to the ministers in the county for the purpose of petitioning the legislature to establish a dispensary in Charlotte for Mecklenburg County.[49] The movement spread as if by magic. In spite of the snow and sleet of the great blizzard of that winter, the petitions were carried by horseback from house to house, and soon thirty-two hundred voters' names were signed to the petitions. Subsequently, at a general meeting in Charlotte, an organization was perfected to push the fight.[50]

The liquor dealers were defiant. They served public notice through the columns of the *Charlotte Observer* that they considered any movement on the part of the Democrats of Charlotte to establish a dispensary there a direct repudiation of a party pledge, made to them during the campaign, to the effect that their business would not be interfered with in the event that party won in the election. Not only were they prepared to resist to the last extremity the establishment of a dispensary, but they also insinuatingly prophesied that if the Democratic party broke its pledge to them such a course would mean its defeat in the next election.[51]

The challenge of the liquor men only served to increase the zeal of the dispensary advocates. The two Democratic representatives from Mecklenburg, Ransom and Clarkson, promptly introduced a bill for its establishment in Charlotte for that county, and the House, at their request, unanimously passed the bill.[52]

Now all eyes were turned to the Senate, where Frank I. Osborne, of Charlotte, represented the county. Soon the report became general that he would oppose the bill because he had pledged to the liquor dealers his word of honor that if they would support him in the election for the Senate he would see that no legislation was passed interfering with their business in the county. The later admission on the part of Osborne that this report was true caused considerable excitement in Charlotte.

The dispensary advocates were determined to force him to withdraw his opposition. They called a great mass meeting in Charlotte for the purpose of adopting resolutions instructing him to vote for the House bill. "Such an uprising of the people," wrote a correspondent of the *News and Observer,* "has not been known in fifty years."[53] After unanimously adopt-

[48] *Journal of the Senate* (1899), pp. 539-540. The vote on the election amendment was 14 to 29; see also *News and Observer,* February 23, 1899.
[49] McKelway, *op. cit.*
[50] *Charlotte Observer,* February 9, 1899.
[51] *Ibid.,* February 4, 1899.
[52] *Ibid.,* February 18, 1899.
[53] *News and Observer,* February 21, 1899.

ing appropriate resolutions, the meeting nominated and elected a committee of one hundred men, composed of many of the leading citizens of Charlotte favorable to the dispensary, to carry the resolutions to Raleigh. This committee of one hundred immediately chartered a special train.[54] Arriving in Raleigh, they marched as a body in military array to the capitol building and laid their resolutions before Senator Osborne.[55]

The first open contest in the Senate between the two factions occurred at a public hearing on the Charlotte bill before the committee on propositions and grievances. Speeches for the dispensary were made by C. W. Tillett, E. T. Cansler, Judge Armistead Burwell, Reverend J. W. Staggs, Robert B. Glenn, and others. The saloon forces, carrying a petition signed by twenty-four hundred voters of Mecklenburg, were led by speeches from T. C. Guthrie, C. W. Maxwell, and others.[56] The closing speech was made by Osborne in support of his position. He said, his voice trembling with emotion:

> I demand that this committee do me the courtesy to report this bill unfavorably. These people come here declaring before all North Carolina that I am no longer the Senator from Mecklenburg, trying to send me home in disgrace to a mother now 80 years old. I ask at your hands but the justice that I have accorded to every Senator; I ask only that you stand by me as I have stood by you—that is all I have to say.[57]

As a result of this plea, the committee reported the bill unfavorably by a vote of five to two. The *News and Observer* said that this meeting was the "stormiest meeting of any sort during the session . . . there were more people, and more passions, more cheers and more hisses than on any previous occasion."[58]

Having lost in the committee, the dispensary advocates were by no means ready to admit defeat in the Senate. Many had come to realize, however, that the fight was as much over senatorial courtesy as over the passage or rejection of the bill, and they had begun to fear the probable consequences on the politics of the state. The *Newbern Journal* feared, "The Charlotte dispensary fight in the legislature may rupture Democracy and endanger the suffrage amendment in 1900."[59] Concerning the debate on the question in the Senate, the *News and Observer* declared that no other issue of the session, "not even the vote on the Constitutional amendment, had attracted half the crowd of spectators or evoked half the interest."[60]

After the debate, which lasted for four hours, during which Senators

[54] *Charlotte Observer,* February 22, 1899.
[55] *News and Observer,* February 24, 1899. Previously more than 100 men had gone to Raleigh to advocate the dispensary bill.
[56] *Loc. cit.*
[57] *Loc. cit.*
[58] *Loc. cit.*
[59] February 26, 1899.
[60] February 24, 1899; see also *Newbern Journal,* February 26, 1899.

Glenn and Osborne made the two most important speeches for and against the bill, respectively, the Senate defeated the House measure by a vote of thirty-one to twelve.[61] Many of the senators explained that they were in favor of a dispensary where the senator from that district supported the bill, but would not vote against the chosen representative of the people. The defeat, therefore, was caused largely by senatorial courtesy.

The *Charlotte Observer,* a paper opposed to prohibition, characterized the fight "a fruitless agitation" and congratulated itself upon having contributed so little to the "heartburnings and animosities" which came out of the discussion. It sophistically concluded that the world was governed too much and that personal habits of individuals were not the concern of governments. Then the editor pointed out what some had thus far failed to see and what would likely cause undue foreboding, that for a town to take to itself the monopoly of the liquor business was the extreme of socialism.[62]

One other important piece of liquor legislation was enacted during this session. Up to this time the dispensary had not been taxed by the state, although all the profits, a form of tax, went to the local community. Now a movement was begun to tax it as well as the saloons.[63] Towns with dispensaries resisted the bill, but after a short and spirited contest, it became a law. It provided for a tax of $500 on dispensaries in the large towns and a graduate scale for smaller towns, the smallest tax of $50 being for towns under one thousand inhabitants.[64]

The whiskey dealers were very bitter towards the dispensaries, and in Greensboro they were determined to test the legality of the law. They applied, therefore, to the courts for an injunction to keep the dispensary from being opened, but in every attempt they were denied the writ.[65] Being overruled in the lower courts, they appealed their case to the Supreme Court. This effort proved no more successful; they lost there also.[66]

After 1900 many temperance reformers had become convinced that the dispensary would not solve the liquor problem, and they began more and more to look toward prohibition as the proper solution. In almost every case after a dispensary had been established, its advocates stressed the financial success of the experiment. But since straight-out prohibitionists had been denouncing for decades the use of "blood-money" tax from the saloons to educate posterity, they could see little distinction between saloon

[61] *Journal of the Senate* (1899), p. 631; see also *Charlotte Observer,* February 25, 1899.

[62] February 25, 1899.

[63] *Newbern Journal,* February 24, 1899; *News and Observer,* February 23, 1899. As first introduced, the bill provided $500 tax on the county dispensaries, and less on the town dispensaries. The *Raleigh Post* said: "The liquor dispensary question gave the House a lively and an unexpected shaking up yesterday." *Fayetteville Observer,* February 24, 1899.

[64] *Laws of North Carolina* (1899), ch. 11, sec. 34, p. 47.

[65] *News and Observer,* May 31, 1899.

[66] *Ibid.,* October 28, 1899; case argued, see March 6, 1900; decision, March 14, 1900; Garsed *v.* Greensboro, 126 N. C., 159.

money and dispensary money. Moreover, the dispensary did not materially decrease the amount of public or private drinking, a goal of prohibitionists. This class of temperance reformers agreed with the sentiment expressed in a resolution adopted by a prohibition conference held at Salisbury in 1901, which declared that they were especially opposed to that unholy compromise, the dispensary, the latest makeshift.

Therefore, when the legislature of 1901 met, temperance sentiment was again turning strongly toward prohibition, and the members of that legislature were more favorable to prohibition than to dispensaries. During this session only four dispensaries were established, neither of which was located in a large town.[67] On the other hand, Greensboro, Madison, and Cumberland County were successful in having their laws repealed.

When a movement was begun again in Charlotte for a dispensary,[68] the representatives from that county hurriedly announced that they would agree to support the proposition only upon condition that the question be submitted to the qualified white voters of Mecklenburg and that a majority of the registered voters should cast their ballots for the dispensary. This requirement gave so much advantage to the saloon forces that the reformers decided that an election held under such rules would be almost sure to result in favor of the liquor dealers. Consequently, no further action to have a law passed was taken by the dispensary advocates of Mecklenburg.[69]

The contest over the repeal of the Cumberland law was the most important dispensary fight in the legislature of 1901. It was not only the absorbing topic for that county,[70] but it again attracted state-wide interest because many Democrats expected this contest to injure the Democratic party in the state. The contest was important, too, because it showed the growing hostility to dispensaries and the increased faith in prohibition as a remedy for the liquor evil.

The first move in this struggle was made by the liquor dealers and their friends; whereupon the two representatives and the senator from the county held a conference at which two of them agreed to be guided in their legislative conduct by the result of an informal election of white

[67] *Laws of North Carolina* (1901), *passim.*
The following dispensaries were established:
Township No. 1, in Edgecombe County.
Kenly, in Johnston County.
Mayodan, in Rockingham County.
Locama, in Wilson County.

[68] *Charlotte Observer,* February 12, 1901.

[69] *Ibid.,* February 16, 1901. Those favoring the establishment of a dispensary in Charlotte wanted a majority of the votes cast, as was the practice in all other elections, to determine the results. They knew and said that the entire burden of the campaign would be on them because the "antis" would be encouraged to stay at home, a policy easy for many who were not fully convinced one way or the other.

[70] *Fayetteville Observer,* February 17, 1901.

voters, to be held February 19.[71] The saloon forces accepted this condition and began to conduct a vigorous campaign for the repeal of the law.

The people in the county favoring the retention of the dispensary were opposed to any renewal of the agitation. They contended that an election on the matter was both unnecessary and impractical, and they resolved not to participate; but they continued to circulate petitions for the retention of the dispensary.[72] In order to inform the legislature further of the sentiment in the county in favor of the dispensary, county-wide mass meetings were held at the churches on Sunday, January 27, to protest any action on the part of the legislature. Resolutions were passed declaring that they were in favor of prohibition, but were willing to take "half a loaf," the dispensary, if prohibition could not be had.[73] What more could one expect of the dispensary? Had it not, argued its advocates, reduced crime,[74] given four times as much revenue to the county and town as did the saloons,[75] supplied the schools with more abundant funds, helped business, and improved the moral conditions of the county?

The advocates of the primary proceeded with their plans, adopting rules and appointing precinct officials.[76] Four days before the election the dispensary advocates, virtually admitting that they were losing strength by opposing the election, asked that it be postponed and then held under the rules proposed for Charlotte. To these requests the saloon forces curtly refused to agree,[77] and the election was held without the dispensary advocates participating. The returns showed only thirty people voting to keep the dispensary and eight hundred and seventy voting to abolish it.[78]

Interest then shifted to the legislature. The first skirmish was won for the dispensary when a joint committee of the House and Senate recom-

[71] *Ibid.*, January 16, 1901. The two favoring the informal election were Senator J. D. McNeill and Representative MacKethan. Representative Hill had originally favored this plan, but later thought it unnecessary; *ibid.*, December 21, 1900.

[72] *Ibid.*, February 6, 1901. [73] *Ibid.*, January 28, 1901.

[74] *Ibid.*, January 10, 1901. Mayor Cook, of Fayetteville, who now opposed the dispensary, had previously made the following statement regarding the prevalence of crime under the dispensary. "Upon a comparison of the years previous to 1897, the year the dispensary was established, we find that in the arrests made since the Dispensary has been in force, there has been a decrease of at least 50 per cent, and we can safely say our city has been quieter and more orderly than we have ever known it to be."

[75] *Loc. cit.* Financial report for 1900:

Paid to the city of Fayetteville	$4,650.00
Paid to Cumberland County	4,650.00
Paid state license	500.00
Stock on hand paid for	4,594.83
Cash in bank	1,196.56
Total collected during year	$15,591.39

Total taxes collected from saloons—city, county and state before the establishment of dispensary—for one year, $3,250.00.

Difference in favor of Dispensary, $12,341.39.

[76] *Ibid.*, February 11, 1901. [77] *Ibid.*, February 16, 1901.

[78] *Ibid.*, February 20, 1901.

mended its retention.[79] But the Senate promptly voted to repeal the law by a vote of twenty-five to twelve.[80] The House deadlocked the issue when it voted, fifty to forty, in favor of the dispensary.[81] In this debate Representative H. L. Green, of Wilkes County, expressed what many felt when he declared: "These dispensaries are giving more trouble than anything else. I wish to God they had never come up in the Legislature. They have hurt the Democratic party!"[82]

The liquor dealers, having lost their fight to repeal the law, determined not to live longer under the dispensary, and immediately inaugurated a movement for absolute prohibition.[83] A bill for prohibition was introduced into the legislature, and the temperance members promptly gave it support. This step appeared as a sort of compromise, especially to those seeking harmony within the ranks of the Democratic party, and the bill became law with a proviso attached that an election on prohibition or saloons should be held in the county at the next regular political election.[84]

The dispensary movement in North Carolina continued after 1901, but only as part of the greater movement—prohibition. The dispensary was used temporarily in towns to drive out the saloons, but with the explicit understanding that the next step would be prohibition. That the dispensary would be the ultimate solution of the whiskey problem was no longer seriously entertained.

The significance of the dispensary to the progress of the development of institutional control of liquor in North Carolina was far reaching. For many years the traffic had been conducted under circumstances which effectively debarred public scrutiny. The liquor dealers jealously guarded

[79] *Ibid.*, February 27, 1901.

[80] *Journal of the Senate* (1901), p. 599; *News and Observer,* March 1, 1901.

[81] *Journal of the House* (1901), pp. 896-897. The debate on this bill was spirited, lasting for more than five hours. Often in the speeches the Representatives expressed the opinion that their votes and stands were being watched and would have a bearing on their future usefulness to their party. Judge H. G. Connor tried to ease the fears of these members by telling them that he, too, had felt that way sixteen years before, but experience had taught him that things would settle themselves, regardless of how he voted. Then he expressed a hope: "I wish the day may come when the children of North Carolina may be educated without recourse to money derived from the liquor traffic in any way."

Judge A. W. Graham, speaking in favor of the dispensary, said that he wanted the legislature to follow its usual custom of allowing a majority to rule.

Judge W. A. Allen spoke in favor of prohibition but was opposed to the dispensary upon principle.

Representative E. R. MacKethen, of Cumberland County, declared that this question made men drunk regardless of whether they drank liquor or not. He proposed to stand by the results of the primary.

For reports on all the speeches see *News and Observer,* March 2, 1901.

[82] *News and Observer,* March 2, 1901.

[83] *Fayetteville Observer,* March 5, 1901.

[84] *Journal of the House* (1901), pp. 1048-1049; *Journal of the Senate* (1901), pp. 774-775; *Fayetteville Observer,* March 7, 9, 13, 1901; *News and Observer,* March 5, 1901; *Laws of North Carolina* (1901), ch. 512, p. 710. "That at the next general election for members of the General Assembly the qualified voters of Cumberland County shall be allowed to vote on said question as provided by law."

their business, and when attempts were made to find out the facts of the trade, they never allowed the investigators to find anything more than obvious truths. But the minute a dispensary was established, the innermost secrets of the traffic became the most generally discussed topics of the community. The law required that the amount of profits earned, the number of gallons sold, and the names of the people patronizing the traffic, together with the amount purchased by each individual, should all be kept for public inspection. Consequently, the dispensary was significant because it served as a publicity agent for prohibition.

Moreover, the dispensary tended to break the political power of the Liquor Dealers' Association of North Carolina. The saloon keepers much preferred prohibition. Under prohibition and with the support of their friends, they had power to strike for the re-opening of the saloons whenever public opinion, a very fickle thing, had veered in that direction. All that was necessary to gain the support or end the opposition of the local political bosses was to threaten their party with defeat in the coming election. Moreover, the liquor dealers, not expecting favors without pay, were always liberal in their contributions to political parties.

Dr. J. G. de R. Hamilton correctly said that the movement "gave the saloon its death blow."[85] The Samson remained, but he was shorn of his locks. Thus in 1903, during the great struggle over the Watts bill, the politicians found themselves freer because of the dispensary movement.

The Manufacture of Liquors in North Carolina, 1880-1909

The amount of liquor manufactured in North Carolina gradually increased until about the year 1892. In 1881 there were 586,514 gallons of corn whiskey distilled, but three years later only 470,477 gallons. This decline was temporary, and in 1892 the United States tax was collected on 851,219 gallons. A steady decline began after this date; the amount was 716,297 gallons in 1895, and 644,771 in 1897.[86]

The number of manufacturing establishments also gradually increased during the period from 1880 to 1895. There were 374 establishments licensed by the United States government in 1880, and 733 by 1895.[87] Then the number steadily declined until the enactment of the Watts law of 1903, which caused a very sharp drop. In 1905 there were only 66 stills registered,[88] and most of these were small establishments. The daily consumption in 1884 of each of the 448 establishments was less than thirty gallons of grain; only two stills had a daily consumption of as much as thirty bushels. After 1900 the distilleries tended to become larger, and in

[85] *History of North Carolina*, p. 415.
[86] *Reports of the Bureau of Labor Statistics of North Carolina* (1898), p. 42.
[87] United States Internal Revenue Reports, *House Doc.*, 46 Cong., 3 Sess., no. 4, p. xxxii; 54 Cong., 1 Sess., no. 11, p. 44.
[88] *Ibid.*, 59 Cong., 1 Sess., no. 20, p. 60.

1905 there were 4 plants, each with a daily consumption of from 100 to 500 bushels of grain.[89]

Fruit distilleries were always more numerous in North Carolina than those for grain. In 1880 there were 1,301 fruit stills licensed by the United States government, and in 1900 there were 1,346.[90] By 1905 the number had been reduced to 392.

These statistics, of course, do not take into consideration the amount of illicit manufacturing. Neither are the statistics regarding the number of establishments in operation accurate because licenses were often bought but the plants were not operated. Regarding the illicit distillation during this period, every indication showed that the practice was widespread.[91] Before 1890 the mountain section of the state, with its numerous valleys and hills, was the main resort of the blockaders. But after that time a larger percentage of them were located along the coast among the bogs, sounds, and inlets that intersect the shore.[92] Like the pirates of old, they suffered little interference on the coast.

The violations of the revenue laws indicated the common practice of blockading. In 1882 there were 445 criminal indictments made for violations of the United States internal revenue law. The smallest number of indictments made in any one year, from 1881 to 1909, was in 1883, when only 153 were made. The highest number was in 1895, when 1,305 were made. From 1881 to 1903, a period of twenty-three years, there were begun 16,277 criminal—an average of over 707 per year—1,042 civil, and 382 *in rem* cases.[93] Not all of these actions, it is true, were for violations of the liquor laws, but certainly eighty-five or ninety per cent were for such violations.

The Retail Establishments

North Carolina also had a large number of retail establishments. As a result of the reaction following the prohibition election in 1881, the number of retail dealers was greater during the five years after 1881 than at any time thereafter. The maximum number of saloons was reached in 1885, when 2,082 were licensed by the United States government.[94] After that time a gradual decline occurred, until in 1904 only 817 saloons were registered.[95] The comparatively slow elimination of saloons when hundreds of places were under prohibition laws was caused primarly by the fact that the saloon was a town institution. A large percentage of the dry counties, townships, churches, and schools were rural territory; often

[89] *Ibid.*, p. 64; *ibid.*, 46 Cong., 3 Sess., no. 4, p. xxxiii; 56 Cong., 2 Sess., no 11, p. 96.
[90] *Ibid.*, 59 Cong., 1 Sess., no. 20, p. 60.
[91] MS in "Confessions of an Anti-Prohibitionist."
[92] *Reports of the Bureau of Labor Statistics of North Carolina* (1898), p. 41.
[93] Data compiled from the United States Internal Revenue Reports.
[94] United States Internal Revenue Reports, *House Doc.*, 49 Cong., 1 Sess., no. 4, p. xxxiv.
[95] *Ibid.*, 58 Cong., 3 Sess., no. 11, p. 60.

when a county voted dry or was declared dry by statutory enactment, the incorporated towns were excepted from the law. Consequently, no appreciable change occurred in the number of saloons until the passage of the Watts law in 1903.

The number of wholesale liquor dealers was never very large. Ranging in number from fifteen in 1894 to fifty-nine in 1904, the average per year licensed by the United States government was about thirty.[96] The number of dealers in malt liquors was not large; the average number from 1881 to 1904 was about forty. After the enactment of the Watts law there occurred a sudden increase, until in 1909 there were 930. Very little brewing took place in North Carolina. Licensed breweries existed only from 1881 to 1909.[97]

[96] *Ibid.*, for the years indicated.
[97] *Loc. cit.*

CHAPTER IX

PROHIBITION AND POLITICS, 1900-1907

Following the adoption of the suffrage amendment of 1900, North Carolina entered a new phase of liquor regulation. This amendment, debarring most of the Negroes from voting, was an important event in the history of the state. Before its adoption no important phase of liquor regulation could be discussed without first considering the possible effect of such regulation upon the Democratic party. Many sincere people thought that the "race issue," perpetually raised by the Democrats, was nothing more than an appeal to prejudice to keep their party in power. It was that, but more, and by 1900 thoughtful people of all political parties saw the broader meaning.

A new era was beginning. Stirred by the appeal of Charles B. Aycock for universal education, freed partly from the incubus of the race issue, and enlightened by the dispensary experiments, the movement against the saloon was rapidly approaching a crisis. Interpreting the new era, the *Biblical Recorder* declared: "As was long hoped, the first fruits of disfranchisement of the negroes bids fair to be progress in legislation prohibiting the saloons."[1]

The first manifestation of the new period was the formation of the North Carolina Anti-Saloon League. Although organized by the spokesmen of the leading religious denominations in the state, the impetus for the movement came from the Baptist State Convention of 1901. Under the leadership of John A. Oates, Jr., and others, the Convention appointed a standing committee for the purpose of carrying on a campaign of education against the saloons.[2] The real purpose of this committee, of which Oates was chairman, was to sponsor the organization of the prohibition forces into an anti-saloon league.

Immediately after the adjournment of the Convention, Oates corresponded with leaders of other religious denominations, endeavoring to obtain their coöperation in the enterprise.[3] He succeeded in bringing together in Raleigh, February 6, 1902, representatives prominent in the Baptist State Convention, the North Carolina Conference of the Methodist Church, the Synod of the Presbyterian Church, the Conference of the Christian Church, and the Yearly Meeting of Friends.[4]

This group organized the North Carolina Anti-Saloon League and

[1] December 24, 1902.
[2] *Minutes of the Baptist State Convention of North Carolina* (1901), p. 66.
[3] Judge Heriot Clarkson, MS History of Temperance and Anti-Saloon Forces in North Carolina.
[4] *Loc. cit.*

adopted a constitution setting forth its aims and principles. The constitution, consisting of six short articles, stated that its purposes were the abolition of the saloon by any and all proper means, the creation and crystallization of a righteous sentiment against intemperance, and the proper enforcement of all laws against the liquor traffic. To accomplish these objectives departments of legislation, of agitation, and of law enforcement were created, with a superintendent in charge of each. The League was pledged to maintain a non-partisan attitude and to avoid affiliation with any political party as such. Anyone who would subscribe to its principles and purposes was eligible for membership, and the final authority was declared vested in a convention of its members.[5]

Subsequently, the executive committee held several meetings to complete plans for state-wide organization. Better to facilitate this work, a full-time state superintendent was employed. Under his direction local anti-saloon leagues soon were formed in all parts of the state, and enthusiasm was manifested for the anticipated contest with the saloon forces.[6] In fact, so enthusiastically was this organization received by the public, especially among the temperance workers, that the committee appointed by the Baptist State Convention in 1901 could correctly report in 1902 that the state was aroused on the liquor question as it had not been for many years.[7]

The League led the fight to outlaw the saloons and the liquor traffic. Generally speaking, it was directed by ambitious and capable leaders. Quite naturally, the increasing support from public opinion encouraged them to push the contest against the liquor traffic with an ever-mounting hostility and uncompromising attitude. They knew something that few prohibitionists in the past had known, the "inside" of North Carolina politics. Having this knowledge, they did not hesitate to use it, when necessary, for the advancement of their cause.

It must not be supposed, however, that the League alone was responsible for the changes made in liquor laws during this period. The significant facts are: the society was organized at an opportune time; the dispensary experiments were not proving successful; the adoption of the suffrage amendment had removed an obstacle; and, finally, public attention, having been directed for the past decade toward economic reforms and new political alignments, was now much freer because of the return of economic prosperity and also because the agrarian population was again voting the regular tickets of the two old political parties.

The Watts Law

Two significant things happened in the November, 1902, political elections. One was the action of the old Prohibition party of the United States in putting out a state ticket and calling on all prohibitionists to rally

[5] *News and Observer,* February 7, 1902.
[6] *Ibid.,* April 6, May 1, September 17, 1902.
[7] *Minutes of the Baptist State Convention of North Carolina* (1902), p. 67.

under their banner. Since the Negro was eliminated, they said, prohibitionists were now at liberty to leave any party that persisted in licensing and upholding "a business that demoralizes and debauches society."[8] The ticket and manifesto of the Prohibition party came too late in the campaign to have any appreciable effect on the results, but the potential threat, so obviously dangerous to the political *status quo,* was by no means overlooked.

The other significant thing that affected the progress of liquor-law reform was the result of an election on prohibition and open barrooms in Cumberland County, an election authorized by the legislature of 1901. Here, strangely enough, the liquor dealers themselves had sponsored a prohibition movement after the legislature had refused to abolish the Fayetteville dispensary. In the election the prohibitionists were successful, winning by a majority of 1,319 votes out of 2,543 ballots cast.[9]

These two clear manifestations of what people were thinking relative to liquor control caused political leaders to give serious consideration to this issue, sure to be an important problem in the next legislature. After the election the *News and Observer* announced a plan of liquor legislation to prohibit the manufacture and sale of liquor everywhere in the state except in incorporated towns.[10] It also proposed that the legislature incorporate no place for the protection of distilleries. Two additional acts were recommended—a dispensary local-option law, and a law to prohibit the shipping of liquor into the state, called an anti-jug law. These measures would keep the problem of liquor regulation, so the editor believed, out of politics. The plan, therefore, was in the interest of both temperance and politics.

Presently, this advanced position was virtually endorsed by Senator F. M. Simmons. In a prepared statement to the newspapers, he said that legislation looking toward the regulation and restriction of the manufacture and sale of whiskey would be one of the most important questions to come before the next General Assembly.[11] According to his statement, he believed the little distilleries, scattered through the country where police regulation was impossible, to be the greatest evil in the state. He contended that they exerted a demoralizing influence upon the community and "debauched the morals and the politics within the radius of their influence. Besides, many of them have become recruiting stations for the Republican party. . . . In a large measure, they are undoing the work of the schools and churches in these communities."[12]

In his biennial message to the General Assembly of 1903, Governor Aycock gave liquor reform official endorsement. He recommended the enactment of a general law to prohibit the manufacture of intoxicating

[8] *News and Observer,* November 5, 1902.
[9] *Fayetteville Observer,* November 11, 1901.
[10] *Ibid.,* November 9, 30, 1902.
[11] *News and Observer,* December 7, 1902.
[12] *Loc. cit.*

liquors everywhere in the state except in incorporated towns, where adequate police supervision existed. In order to aid the Federal government, he favored a stringent law against operators of blockade distilleries. If the legislature should pass such laws, he said, it would be following a policy already adopted by two-thirds of the counties, because either by legislative enactment or by local-option laws the sale had been limited previously to towns.[13]

On the second day of the 1903 session, A. D. Watts, of Iredell, Democratic leader, introduced in the House a bill which forbade both the sale and manufacture of liquor in all rural North Carolina.[14] Though it was called the Watts bill because he sponsored it in the legislature, it was prepared jointly by Senator Simmons and Governor Aycock.[15]

The dry forces were also preparing a bill. Under the auspices of the Anti-Saloon League, a much more stringent bill was prepared and introduced in the Senate, only one day after the introduction of the Watts bill in the House, by H. A. London, a veteran temperance leader and editor of the *Chatham Record*.[16] Known as the London bill, it not only included the provisions of the Watts or Administration bill, but it also prohibited the manufacture of liquor in towns with fewer than 1,000 inhabitants and the sale in towns of fewer than 500. It further provided for a general dispensary local-option law, but reversed the former law by requiring that before liquors could be sold in any town, a petition signed by one-third of the registered voters would be necessary to call an election. Under the Watts bill, wines were not mentioned; under the London bill, only the products of one's own vineyard could be sold.[17]

With these bills before the legislature, all factions began to strengthen their organization to enable them better to support their respective positions and interests. Under the guiding hand of J. W. Bailey, who had recently been made corresponding secretary of the executive committee, the anti-saloon forces were ably marshalled in support of the London bill. To influence the legislature, he adopted the petition method that had been used so often in the past by the "moral forces."

This petition method corresponded to that for state prohibition in 1881.[18] In their efforts to obtain signers, members of the league carried petitions from house to house. Ministers of the churches delivered sermons on temperance, after which petitions were circulated among the congregations for signatures. The Woman's Christian Temperance Union members gladly, with almost apostolic fervor, sought signatures throughout the towns and rural communities. So thoroughly did these embassies do their work in Catawba County that more than one-third of the qualified voters

[13] *Public Documents of North Carolina* (1903), Doc. No. 1, p. 38.
[14] *Journal of the House* (1903), p. 20.
[15] *Charlotte Observer*, February 1, 1904.
[16] *Journal of the Senate* (1903), p. 27.
[17] MS in Legislative Papers, 1903.
[18] *Loc. cit., Chatham Record*, January 29, 1903.

signed petitions.[19] The legislature was flooded with petitions signed by more than 100,000 voters and by many women in favor of the London bill.

Realizing they faced a crisis in their business, the liquor dealers took steps to defeat both bills. They too adopted their usual and time-honored methods of protecting their business by hiring influential Democratic lawyer-politicians to represent them before the legislative committees and in the lobbies. In many counties they openly solicited funds among their sympathizers to send local lawyers to Raleigh.[20]

The newspapers of the state were divided in their support and opposition to the bills. Most of the county papers, papers close to the people, supported either the London or Watts bill.[21] At first the influential *Charlotte Observer* endorsed the recommendations of Governor Aycock,[22] but presently dubbed the Watts bill supporters the "Morally Stunted" and the London bill supporters the "Pure in Heart," adding, "It would be funny if they should get a law under which they couldn't get any sow-paw themselves."[23] With the exception of the *News and Observer,* the other leading dailies were either passively opposed or actively and openly hostile to the forms of regulation as proposed in the two bills. The *News and Observer* led the fight for the Watts bill; although not opposed to the London bill, it took the position that the provisions of the latter were impossible of enactment at that time. Under the crusading pen of Josephus Daniels, it exercised a more potent influence in breaking the political sway of the liquor dealers in the legislature than did any other single force. The county papers favorable to prohibition reprinted many of his articles.

More active than the newspapers were the churches. No longer did the leaders of some of the religious denominations think that moral suasion was the only proper way to attack the evil of intemperance. Accordingly, as a result of the hundred years of agitation in North Carolina for personal temperance and legal prohibition, all the churches were now favorable to prohibition.

As the two forces came face to face in the legislature, each realized that the most important phase of the contest concerned the future policy of the Democratic party. Would the prohibition legislation, if passed, be considered a party measure and be endorsed later as such? Or, on the other hand, would the Democratic party declare that liquor regulation was not a party question and thereby deny any credit or responsibility for the law? What effect would such legislation have upon harmony within the ranks of the Democratic party? These questions, and many more, were widely discussed and variously answered. Thus, in the last analysis the

[19] *News and Observer,* February 22, 1903.
[20] *Union Republican,* January 22, 1903.
[21] *News and Observer,* February 10, 1903.
[22] *Charlotte Observer,* January 10, 1903.
[23] *Ibid.,* February 5, 1903; see also *Charlotte Observer,* February 10, 1903, quoting the *Presbyterian Standard.*

contest in the legislature of 1903 was a battle for the control of the Democratic party.

Some of its leaders had correctly evaluated the strength of the demand for prohibition and were determined to let that demand be expressed through the medium of their party. Senator Simmons, Governor Aycock, Josephus Daniels, and others had not remained idle, nor had they waited for the more professional anti-saloon leaders to seize control; they had boldly formulated a plan and now openly worked for its enactment. They saw what less keen observers could not see: that the Democratic party had come to the parting of the way; that the party must either oppose or endorse increased restrictions for the liquor traffic. To remain neutral might mean one of two things: either the prohibitionists would form a new party, or the Republican party would write prohibition into its platform. Just having experienced a decade of revolt, third partyism, and fusionism. these leaders of the Democratic party had no stomach to face a similar decade.

As soon as the liquor dealers apprehended that the party was about to espouse the cause of prohibition, they hastened to prevent such a result at all hazards. If the anti-saloon wing of the Democratic party gained control, they would thereby be shorn of their most effective means of checking unfavorable legislation. Of course, this does not mean that the Democratic party had been controlled by the liquor interests. On account of the peculiar political complexion of the state before 1900, however, the liquor group had been able to bring enormous pressure on that party and, to a large extent, direct the policy of the legislature regarding liquor regulation. Even during the campaign for white supremacy, for example, the president of the North Carolina Liquor Dealers' Association threatened to defeat the amendment if the agitation against the saloons did not stop.[24] Therefore, having lost in the elimination of the Negro vote, the liquor dealers now made the most determined efforts to keep prohibition a local issue. Consequently, they professed profound admiration for the cherished Jeffersonian principles of local self-government.

Early in the session a joint committee of the House and Senate had been named to conduct hearings on the bills. The committee set January 28 and 29 to hear arguments for and against the proposed legislation. In the meantime, the liquor dealers had sent to Raleigh more than one hundred paid men, generally influential Democratic lawyer-politicians, to lobby against the bills.[25] With these lobbyists doing effective work, the adoption of the state-wide policy regarding the sale and manufacture of liquor became progressively more uncertain.

Just at this crisis the *News and Observer* came to the rescue of the anti-saloon forces. The Sunday edition, January 25, carried on the front page the famous Davenport cartoon, entitled "The Whiskey Procession—

[24] *News and Observer,* February 3, 1903, quoting the *Presbyterian Standard.*
[25] *News and Observer,* January 22, 1903.

where are you in it?" Both the first and the editorial pages were devoted to prohibition agitation. A savage attack was made on the paid attorneys of the whiskey dealers. These attorneys were accused of secretly circulating propaganda that the adoption of either the Watts or the London bill would kill the Democratic party. Those who had assumed the guardianship of the Democratic party were reminded that other people, who had not received money from the liquor dealers and who were just as competent as they, were also interested in the success of the party. No paid attorney, said the editor, had the right secretly to fight the proposed legislation on the ground that it would be detrimental to that party. The members of the General Assembly were warned that these attorneys were paid propagandists and that their advice should be considered as such.[26]

This bold challenge to the paid lobbyists helped to clear the legislative atmosphere. In commenting on this issue, the *Presbyterian Standard* said that the broadside helped "to wake the people up and incidentally send the whiskey attorneys scampering from their paid espousal of a rotten cause like rats from a sinking ship."[27]

For two days the joint committee listened to the speeches of the drys and the lawyers of the liquor dealers. Throughout the speeches of the latter ran the theme that the question of liquor control was a local one and should be left to each individual community to solve as it thought best; for the Democratic party to desert its customary doctrine of local self-government would certainly result in its defeat in the elections next year.[28] Representing the liquor dealers from Richmond County, Cameron Morrison made one of the most impressive speeches for local self-government.[29] The advocates of the bills, on the other hand, argued that the adoption of a state-wide policy was following the practice of the legislature in the past and that for members of the Democratic party to refuse to enact progressive liquor legislation and thereby attempt to thwart the sovereign will of the people would mean certain defeat. After several amendments had been added, the joint committee recommended the Watts bill favorably.[30]

[26] *Ibid.*, January 25, 1903.

[27] *News and Observer*, February 21, 1903, quoting the *Presbyterian Standard*.

[28] *Ibid.*, January 29 and 30, 1903.

[29] *Ibid.*, January 30, 1903. Judging from the sentiments expressed in many of the speeches of the paid whiskey attorneys, they blamed Josephus Daniels more for their woes than Senator Simmons and Aycock. This is interestingly shown in a speech made by Cameron Morrison. He earnestly asked the members of the committee not to be influenced in their decision because Simmons, Aycock, and Daniels favored the Watts bill. Then turning to Daniels, who was present, Morrison said: "I don't mean to make any threat. I've always voted your way and Mr. Simmons', but if you don't stop talking about me the way you do, I may not keep on voting for you." And later in criticizing Daniels for saddling Otho Wilson, liquor dealer, on them, he said: "No, the trouble is (to Mr. Daniels), we have crossed your imperial will, we have questioned your mighty judgment."

[30] *News and Observer*, February 4, 1903. To the charge that the Watts bill was a political measure, not in the interest of temperance, Watts asked them to explain why the liquor dealers were so bitterly opposed to his bill.

The contests in the House and Senate were long and often in doubt as to the outcome. Three or four additional bills were introduced, and amendment after amendment offered. Finally, when the London bill supporters saw that it would be next to impossible for them to get their bill enacted and that further opposition to the Watts bill would endanger any prohibition legislation at that session, a secret caucus was called at which all anti-saloon advocates agreed to support the Watts bill.[31] This maneuver came as a distinct surprise to the saloon forces, and, in a last desperate effort to defeat the bill in the House, they used every method at their command. "Every known parliamentary trick was tried," said the *News and Observer*, "for the opposition leaders are among the shrewdest and most astute parliamentarians in the House."

> At times the excitement was intense and the scenes on the floor almost indescribable, with anywhere from one to six members calling upon the Speaker for recognition at the same time, or rising for points of order, or questions of parliamentary inquiry, or personal privilege, or begging unanimous consent of the House, or calling the previous question, or explaining votes, or changing votes, or demanding the ayes and noes.[32]

After this "stormy day of filibustering delay tactics," the House by a vote of 59 to 40 passed the bill. Only one Republican supported it, while 15 voted with the opposition.[33] The Senate passed it by a vote of 27 to 15, with four Republicans voting with the opposition.[34] Thus the Watts bill became a law with the support of a majority of the Democrats and in spite of the opposition of a majority of the Republicans.

The Watts law prohibited both the sale and the manufacture of liquor outside of incorporated towns.[35] Druggists were allowed to sell only upon a written prescription of a physician. Wines and ciders were exempt from the provisions of the law, as were also fruit and grape brandy when sold in quantities of five gallons or more. To sell contrary to the law was made a misdemeanor punishable by a fine of not more than $200 or imprisonment not exceeding six months. To violate the provisions regarding manufacturing was more serious. The first offence was a misdemeanor, punishable by imprisonment of from four months to two years. The second offence was made a felony and punishable by imprisonment of from one to four years and a fine of from $100 to $1,000, or both.[36]

Just as important were the general local-option features. A town

[31] *Ibid.*, February 25, 1903.
[32] *Ibid.*, February 22, 1903.
[33] *Journal of the House* (1903), pp. 661-662.
[34] *Ibid.*, p. 566. J. W. Bailey, writing a few days after the passage of the bill, said: "The London bill did not pass the House or Senate because it could not develop sufficient strength. The Watts bill passed only by the most strenuous efforts. On three occasions it was practically defeated, but its opponents seemed not to recognize their success. The prestige of the Democratic party carried that bill through. I doubt even if that could have carried a stronger measure." *News and Observer*, March 1, 1903.
[35] *Laws of North Carolina*, ch. 233, p. 288.
[36] *Ibid.*, p. 289.

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could call a local-option election in the usual manner for prohibiting the manufacture of liquor and for the establishment of a dispensary, as well as for prohibition or saloons. A concession was made to the drys in the requirement that the saloon advocates must poll a majority, not just a plurality, of the votes cast in order to carry an election.[37] The law was to go into effect July 1, 1903.

Generally speaking, the Watts law was favorably received by public opinion. The Anti-Saloon League immediately endorsed it as an important step toward temperance and began to lay plans to conduct local-option elections in many towns during the summer.[38] Most of the papers that had supported the London bill now supported the Watts law and agreed with the *News and Observer* that it was a "long step in the right direction."[39]

Several religious papers, however, were disappointed with the law, as were the Republican papers. The *Raleigh Christian Advocate* regarded it "as a temperance monstrosity covered by a political domino."[40] *Charity and Children* thought public opinion did not amount to much in a state where a legislature refused to listen to the demand for temperance reform and granted only what had already been given by Senator Simmons and Governor Aycock before the legislature opened.[41]

The Winston *Union Republican* declared: "We are all deceived once more."[42] The editor further said that the Democrats voted for the bill because it was political in its effect and not for temperance; the law would drive out of business about 500 small distilleries, owned and operated mainly by members of the Republican party, because a few rich men, who were members of the Democratic party, wished to drive out the small establishments in order that they might have a monopoly of the business in North Carolina.[43] The *Asheville Register* saw nothing in the law but an effort on the part of the Democratic machine to gain advantage.[44]

The advocates of the London bill were more successful than was first apparent. In the final struggle, they had been unable to add to the Watts law one feature of their bill, the anti-jug provision. It was, however,

[37] *Ibid.*, p. 290.

[38] *News and Observer*, March 1, 1903. Bailey said: "The most significant feature of the situation with regard to the progress in the temperance cause in North Carolina is this: The People Have the Question Absolutely in their Hands." He summed up the accomplishments of the law thus: 1. Reduced the number of distilleries considerably; 2. Improved the environment and conduct of distilleries; 3. With the assistance of the revenue act, put the wine shops out of business; 4. Abolished the rural saloons, save in incorporated towns, which must be protected by county commissioners.

[39] *Ibid.*, March 24, 1903. Of the 530 distilleries, they thought at least 500 would be closed.

[40] *Charlotte Observer*, March 2, 1903.

[41] *Union Republican*, March 26, 1903, quoting *Charity and Children*.

[42] *Loc. cit.*

[43] *Loc. cit.*, and June 4, 1903. "The negro horse is unsaddled and Democracy is looking for some new hobby to ride." *Ibid.*, July 30, 1903.

[44] *Union Republican*, July 2, 1903, quoting *Asheville Register*.

inadvertently enacted when a bill intended only for four counties (Gaston, Cleveland, Cabarrus, and Mitchell) was passed. Not until about two months after the adjournment of the legislature was the mistake discovered.[45] This anti-jug law made the place where liquor was delivered the place of sale, such as the railway station, if shipped into the state.[46] When a case was prepared to test its validity, the Supreme Court held that the law applied to the entire state.[47] Later, the *Charlotte Observer* charged that this law "lacked none of the elements of a sneak bill."[48] This charge, however, was without foundation and subsequently proved false.[49]

During the summer of 1903 the prohibitionists determined upon a very vigorous policy against the saloons. A few towns did not wait for enactment of the Watts law, but asked the legislature to pass special acts to allow them the privilege of voting on the question of saloons, dispensaries, or prohibition. In Tarboro, the saloon forces succeeded in defeating efforts to establish a dispensary. The margin of victory was close and was made possible, according to the opposing side, only after the saloon forces had registered and voted the Negroes.[50] The real cause of the defeat, however, was the presence of saloons near the town.[51] Holding an election under a special act, Statesville, once the banner saloon town, succeeded in closing the saloons when a big majority voted for prohibition.[52] After "a battle royal," Wilson drove out the saloons and established a dispensary.[53]

These significant results and the enthusiasm manifested during the contest for the adoption of the London bill encouraged the anti-saloon leaders to call a temperance convention to meet in Raleigh, July 7. On the appointed day more than 300 delegates from 55 counties met.[54] Plans were perfected for calling elections in any town where there was a reasonable chance of success. Among the other actions of the convention were the endorsement of the Watts law and the appointment of a committee on law enforcement to help make it effective.[55] The financial committee

[45] *Chatham Record,* April 30, 1903. H. A. London, editor, first saw the similarity between his bill and this law; see also *News and Observer,* April 29, 1903.

[46] *Laws of North Carolina* (1903), ch. 349, sec. 2, p. 473.

[47] *North Carolina Supreme Court Reports,* State *v.* Patterson, 134 N. C., 612.

[48] *Charlotte Observer,* January 14, 1905.

[49] Clyde R. Hoey of Shelby, who introduced the bill, publicly stated he considered the insinuations of the editor of the *Observer* a personal insult. The *Observer* quickly apologized to Hoey by stating that he had put the wrong interpretation upon the article. *News and Observer,* March 13, 1904, and January 19, 1905; see also MSS in Legislative Papers, 1903.

[50] *News and Observer,* March 27, 1903.

[51] *Fayetteville Observer,* March 14, 1903, quoting the *Tarboro Southerner.* "The hottest fight that has occurred here in local politics was waged here Friday over the Dispensary." See also *News and Observer,* March 14, 1903.

[52] *News and Observer,* March 20, 1903.

[53] *Loc. cit.,* and October 8, 1903.

[54] *Ibid.,* July 8, 1903.

[55] *Loc. cit.* Among the members on this committee were C. H. Poe, H. W. Battle,

raised more than $3,000 to carry on the work during the next year. Several speeches were made, the most important of which was delivered by Senator Simmons, who had been invited to address the meeting. In the course of his address he said that he was not a member of the League, but that he was in favor of sobriety, temperance, and morality. He regarded the Watts law as "an eminently wise piece of legislation, the most important single measure, with the exception of the suffrage amendment, adopted in this state since the Civil War."[56] He especially denounced those who were alleging that the law was enacted at the instigation of some of the big distilleries of North Carolina.

Following the adjournment of the convention, the local-option movement got under way.[57] The results favored the drys; the dispensary and prohibition advocates won twenty out of a total of twenty-eight elections held during the summer and fall of 1903.[58]

These elections were conducted in the usual manner, with the ministers and church members effectively organized under local anti-saloon leagues. Of the results of the dispensary election in Raleigh, the *News and Observer* said: "The victory, one that thoroughly delights the temperance element of the capital city, is not one that came without hard work. For weeks meeting after meeting had been held and the importance of the election had been presented to the people."[59]

During the following year, 1904, the League adopted a conservative policy. At a meeting early in February some of its leaders expressed the belief that if too many local campaigns were held during an election year, prohibition would become an issue in the political elections and have a disastrous effect on both temperance and politics.[60] Moreover, it was not yet evident what would be the positions of the political parties on the question of increased restrictions on and aggressiveness against the saloons and the liquor traffic. Should the League favor an aggressive local-option policy, the liquor dealers might be able in a political way to take advantage of the dissatisfaction.[61] At any rate, little would be sacrificed by waging

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and W. L. Poteat. The declaration of principles stated: "The North Carolina Anti-Saloon League is an independent body, maintaining friendly relations with similar associations in other States, but it is entirely independent in its acts, and it is non-partisan in character."

[56] *News and Observer,* July 8, 1903.

[57] *Ibid.,* July 25, August 6, 15, September 22, 23, October 6, 8, 1903.

[58] Bailey's report, *News and Observer,* February 3, 1904; see also October 8, 1903.

[59] *News and Observer,* October 6, 1903. The town also voted on the question of allowing distillation within the town. The results, showing a light vote on both propositions, were:

For dispensary	677	Against dispensary	445
Against distilleries	751	For distilleries	187
Majority for dispensary	232	Majority against distilleries	564

[60] *News and Observer,* February 3, 1904.

[61] At one of their meetings, the liquor dealers had already threatened political action. "Secretary Roberts of the Liquor Dealers' Association stated that the resolution passed by the Association did not commit the members not to vote for any

a conservative campaign, and a great deal, thought the League, might be gained.

Pursuant to this plan, Bailey announced that no effort would be made during the year to improve existing laws; emphasis would be placed on sentiment building; a campaign for individual temperance, wherein the emphasis should be placed on the moral side of the drink evil, should be stressed; enough laws were already on the statute books; and public sentiment was now needed that would effectively enforce those laws. He recommended, therefore, to the local leagues that they hold old-fashioned temperance rallies in which individual pledges of total abstinence be stressed.

In conformity with this policy, only two local-option elections were held during 1904, and these, in Charlotte and in Greensboro, where the drys had been planning even during the preceding year to hold elections in 1904. In each of these towns the real contest was between prohibition and saloons, with little consideration given to the establishment of dispensaries.

The Charlotte campaign was one of propaganda and organization, the prohibitionists conducting such a campaign for more than six months preceding the balloting in July. Sermons were preached at night in order not to offend those who were opposed to prohibition, keeping the question of prohibition, so far as was possible, from causing unnecessary dissension within the churches.[62] The wets argued that prohibition would hurt business in Charlotte and that high license was the better policy.[63] But the prohibition forces, led by Heriot Clarkson, chairman of the local anti-saloon league, E. T. Cansler, C. W. Tillett, J. D. McCall, several ministers, and other leaders, were successful in winning in each of the 4 precincts with a total majority of 481 votes. The total vote cast for prohibition was 1,027, and against, 546. The dispensary was overwhelmingly defeated, receiving only 68 votes out of 1,509.[64]

The campaign in Greensboro was conducted chiefly by the ministers of the town. No public speeches were made by either side, except those made by the preachers in their churches.[65] A victory for prohibition was made possible by careful organization. On election day 741 ballots were

man who does not pledge himself to fight the Anti-Saloon League, but not to vote for any one who had pledged himself to vote with the more extreme of the temperance advocates." *News and Observer,* August 12, 1904.

[62] *Charlotte Observer,* July 4, 5, 1904.

[63] The drys charged that the liquor forces hired men connected with a large industrial plant to come to Charlotte and, while there, to circulate casually a report in the hotels and elsewhere that they were there to make plans for the establishment of a big industrial plant, but that they were waiting to see how the local-option election turned. If prohibition carried, they would not consider the matter further. Such a charge was brought against J. S. Mountcastle, of Richmond, Virginia, who represented a $250,000 business establishment.

[64] *Charlotte Observer,* July 6, 1904. Of the 2,500 registered voters of Charlotte only about one-third participated.

[65] *Charlotte Observer,* July 7, 1904.

cast for prohibition and 315 for saloons, the results showing that many people in Greensboro were not fully convinced one way or the other; consequently, they had stayed away from the polls. The dispensary received only a few scattered votes.[66]

Of more consequence to the movement for prohibition was the position of the political parties toward the Watts law. Early in February the *Union Republican* said there was "no reasonable doubt but that the liquor question will be made to figure conspicuously in the next campaign."[67] The Republican *Davie Record* said that it would not undertake to say what would be the position of the Republican party, but it was opposed to the Watts law and thought that the question of the manufacture and the sale of whiskey should be left to a vote in each county.[68] The *News and Observer* endorsed the policy of the league in its campaign for personal temperance. The cause of prohibition, said the editor, "must not be injured by carrying it into politics or jeopardizing good government."[69]

The Republican state convention, assembling earlier than that of the Democrats, took the initiative on the liquor issue. In the platform as first adopted,[70] the party denounced the Watts law because it was enacted for political advantage and because it discriminated against the citizens of the country by conferring special rights and privileges upon the inhabitants of incorporated towns. Dry members of the convention, led by Judge W. S. O'B. Robinson, vigorously protested the adoption of this plank.[71] Another clause, more generally endorsed, stated that the Republican party favored temperance, "but in pursuance to our time-honored policy of Local Self-government we favor a law which submits to the qualified voters of the several counties and incorporated towns" the question of prohibition.[72]

The platform of the Republican party left to the Democratic party

[66] *Ibid.*, July 20, 1904; *News and Observer,* July 20, 1904.

[67] February 11, 1904.

[68] *Union Republican,* March 31, 1904, quoting *Davie Record.*

[69] *Ibid.*, March 20, 1904. The phrase "good government," of course, meant to the *News and Observer* government by the Democratic party.

[70] After the convention had adjourned, Thomas S. Rollins, chairman of the Republican State Executive Committee, mailed out a platform which did not mention the Watts law by name. Thereupon the Democratic party charged that he had altered the platform adopted by the state convention. Rollins then addressed, through the Republican papers of the state, a letter to the Republicans of North Carolina in which he denied the charge of the Democrats. *"This Charge is Absolutely False,* and without foundation," he declared. T. T. Hicks, of Henderson, likewise denied that any change had been made. See the *Union Republican,* October 6, 1904, under caption, "A Campaign Lie Answered." Just what took place, if the platform was not altered subsequent to its adoption, is not clear; *North Carolina Democratic Handbook* (1904), p. 10; the Republican platform is printed in full on pages 8, 9, and 10; see also *News and Observer,* May 20, 1904. In the latter instance the platform is quoted from the *Greensboro Record,* May 19. Certainly if the platform was not changed, many of the newspaper reporters made a mistake, for they mentioned the Watts law as a part of the platform.

[71] *North Carolina Democratic Handbook* (1904), p. 165, quoting the *Greensboro Record,* May 19, 1904.

[72] *North Carolina Democratic Handbook* (1904), pp. 10, 166.

no logical alternative but the endorsement of the Watts law. This, however, was accomplished in the Democratic state convention without serious dissension.[73] In a speech before the convention, Governor Aycock accepted the Watts law as "one of the best ever passed by any legislature."[74] He stated that it was in line with the policy followed by the legislature for the past twenty years of incorporating churches and schools for the purpose of prohibiting the sale and manufacture of liquors. By this method, he said, nine-tenths of the rural sections of North Carolina had already been made dry, and the legislature in 1903 had only added the other one-tenth. Then, too, the distilleries and saloons in the rural sections without adequate police protection were a menace to the quiet and good order of the communities in which they were located, and especially were they an obstacle in the way of education. It was possible for a school to flourish in a town near a saloon or a distillery because of police protection. "But no man," said Aycock, "has ever yet seen a school grow up and prosper by the side of a whiskey still or bar-room in the country. The legislature, therefore, was confronted with the question whether they would open and maintain school houses in the country for the children, or whiskey stills and bar-rooms for the men."[75]

The specific wording of the temperance plank gave the platform committee considerable trouble.[76] The anti-prohibition wing of the committee did not oppose the endorsement of what had already been done, but it did oppose any further concession. In spite of the fact that a number of the leaders of the League, early in the year, had said they would not ask for any additional legislation, they were now striving for such a law. Under the leadership of the League and the *News and Observer* the drys strove to pledge the party to a policy of increased restrictions on liquor. They advocated a measure that would take local option from small towns, putting them in the same class with the country.

After enacting the Watts law, the legislature had protected liquor manufacturing plants by incorporating several rural places, calling them towns. Such a practice of incorporation, of course, was in direct conflict with the policy of driving liquor out of the rural areas. Naturally, the Anti-Saloon League had vigorously opposed these acts. Because the whiskey manufacturing plants were owned by influential members of the Democratic party, the legislature, against its better judgment, had furnished protection by incorporating them.[77] Now this attempted com-

[73] R. D. W. Connor, *North Carolina, Rebuilding an Ancient Commonwealth*, II, 567.

[74] *North Carolina Democratic Handbook* (1904), p. 103; see also *News and Observer*, June 24. 1904.

[75] *North Carolina Democratic Handbook* (1904), p. 103.

[76] The disagreements were not publicly known until the legislature of 1905 began to consider the passage of the Ward bill.

[77] This policy had been followed because some of the members of the Democratic party were convinced that the liquor men would turn to the Republican party for relief.

promise made by the former legislature was a question of disagreement in the Democratic convention.

The platform as finally adopted approved the general principles of the Watts law.[78] The point of controversy was covered in a sentence which stated that the General Assembly had the power, and under Democratic control could be trusted, "to make all amendments that experience and conditions may demonstrate to be wise and proper."[79]

During the campaign the Democratic orators not only endorsed the Watts law, they eagerly championed it.[80] The Republicans, on the other hand, were too seriously divided to place much emphasis on their temperance plank.

The Ward Law

After the November political elections, the anti-saloon forces began at once to plan an aggressive fight for the adoption of prohibition measures in the legislature of 1905. In order to present a united front against the liquor dealers, the executive committee of the League issued a call for a convention of temperance workers to meet in Raleigh during January. As stated in the call, the objects of the convention were to elect new officers and to decide upon measures to be supported before the legislature.[81]

The convention met in Raleigh January 19, 1905, with about 250 delegates present.[82] Before the reports of the temporary committees were ready, the delegates listened to the report submitted by Secretary Bailey on the progress of the League since its organization two years previously. From the central office in Raleigh, more than 600,000 pieces of literature on temperance had been distributed; 100,000 circular letters and 60,000 total abstinence pledges had been mailed. Of these pledges, 10,000 had been returned. Bailey had written more than a dozen addresses on the subject of prohibition and temperance which had been delivered through the newspapers of the state. During the two years of the life of the society, 1,300 local leagues had been organized, and 90 county executive committees formed, indicating that the League was active in almost every county. More than 4,000 men, including most of the ministers of the state, were enlisted as active workers. In the support of the work $1,828.46 had been spent.[83]

The proceedings of this convention were not so harmonious as those of former meetings. Three factions were anxious to have their positions endorsed. In the first place, there was a small minority who thought

[78] *North Carolina Democratic Handbook* (1904), p. 4; *News and Observer,* June 25, 1904.
[79] *Loc. cit.*
[80] *News and Observer,* September 3, 1904; *North Carolina Democratic Handbook* (1904), pp. 65-70.
[81] *News and Observer,* January 10, 1905.
[82] *Ibid.,* January 20, 1905.
[83] *Loc. cit.*

that the proper solution of the liquor question was state prohibition. Under the leadership of John A. Oates, Jr., these "radicals" had little patience with the sentiment-building program of Bailey; they believed that sentiment had already been built and that a further program of local option could only retard the main course of the prohibition movement. After it became clear that they were in the minority, they did not urge their policy further.[84]

The most serious division was caused by the dispensaries. Very likely a majority of the members were opposed to their establishment. By these compromises the goal of personal temperance was not attained, since public drunkenness was as much practiced under dispensaries as under saloons. Moreover, a dispensary, even more than a saloon, was an establishment by organized society for selling liquor. These temperance advocates thought the state should not encourage the sale of whiskey by furnishing protection, but rather that it should destroy the traffic by prohibiting the sale.[85]

Bailey, nevertheless, was a firm believer in both the local-option method and the dispensary.[86] While he did not believe that the latter would be the final solution of the liquor question, he did think that the experiment had enabled the drys to break the power of the saloon forces in towns where prohibition sentiment alone was not strong enough to do it. Consequently, when the dispensary issue was about to be carried to the floor of the convention, he and other officers threatened to resign if that alternative was not endorsed.[87] With this choice before them, the thoroughgoing prohibitionists decided to tolerate the dispensary policy for the sake of harmony. The convention then endorsed a resolution asking the General Assembly to pass a law to prohibit the manufacture of whiskey in towns of less than 200 inhabitants,[88] and the sale in any town which was without police protection. Having made plans to present their demands to the legislature, the convention adjourned, and interest shifted to the capitol.

Early in the session of the General Assembly, Long of Iredell introduced a bill into the Senate prohibiting the manufacture and sale of liquor in towns of fewer than 200 qualified voters.[89] An amendment,[90] together with the Craven bill[91] (commonly known as the Ward bill), made a distinction between the sale and the manufacture of whiskey. Under the Watts law, both the sale and the manufacture were allowed in incor-

[84] *Ibid.*, January 20, 1905.
[85] *Loc. cit.*
[86] Bailey considered state prohibition the ultimate goal of the prohibitionists, but first there must be a long and careful period of preparation. He pointed out that of the 26 states of the United States that had adopted state prohibition, only 2 had retained it.
[87] *News and Observer*, January 20, 1905.
[88] This number was subsequently changed to 500 inhabitants.
[89] *Journal of the Senate* (1905), p. 91.
[90] *Charlotte Observer*, February 19, 1905.
[91] *Journal of the Senate* (1905), p. 130.

porated towns. Now, the Ward bill prohibited the manufacture of liquor in towns of fewer than 1,500 inhabitants.[92]

Since the drys had not anticipated any serious opposition to the bill, they had made no special effort to rally the anti-saloon forces to its support.[93] The Ward bill was regarded as conforming to the Watts law and to the platform of the Democratic party.[94] This anticipation, however, proved to be erroneous; opposition again began to take form, coming this time more specifically from within the Democratic party.

The *News and Observer* declared that the whiskey lobby was trying to stampede the legislature as it had done in 1903 "by predicting that the Democratic party will go to the 'demnition bow-wows' if it breaks up the hell-kettles at Advance, Shore, and Williams and other cross-roads incorporated towns."[95] Bailey issued a hurry call to the prohibition workers "to send petitions and personal letters, and send them quickly" to the members of the General Assembly.[96] The Ward bill, however, passed the Senate after a "stormy debate" by a vote of 26 to 16.[97]

The manufacturers left no stones unturned to head off what appeared to be a victory for the Ward bill in the House. Six days after the vote in the Senate, nineteen members of the Democratic executive committee signed and sent a telegram to Senator Simmons, requesting him to call the committee into session not later than February 21, for the purpose of giving "an official interpretation of the last Democratic State platform."[98] In an editorial in the *News and Observer*, Daniels roundly condemned this action of the liquor manufacturers and their friends.[99] He alleged that the members of the committee who sympathized with the liquor interests were attempting to govern North Carolina by caucuses and committees in an effort to defeat the will of the chosen representatives of the people.

Pursuant to the call of Senator Simmons, the executive committee, together with the central and advisory committees, met in Raleigh, February 21.[100] The supporters of the Ward bill knew that another crisis had arisen in the progress of prohibition legislation. Moreover, it was also a crisis for the leadership of Senator Simmons in the Democratic party.

[92] *News and Observer*, January 24, 1905.
[93] *Ibid.*, February 2, 1905.
[94] In his message to the General Assembly, Governor Glenn had endorsed the Watts law as having "worked so well as to attract the commendation of the thoughtful people of the State." Then he recommended better law enforcement, but said nothing about such amendments as were included in the Ward bill. *Public Documents of North Carolina* (1905), I, no. 1, p. 28.
[95] February 9, 1905.
[96] *Ibid.*, February 2, 1905.
[97] *Journal of the Senate* (1905), p. 331; see also *News and Observer*, February 11, 1905.
[98] *News and Observer*, February 18, 1905.
[99] *Loc. cit.*
[100] *Charlotte Daily Observer*, February 22, 1905; *News and Observer*, February 22, 1905.

If the executive committee took any action against the Ward bill, such action would be a repudiation of his leadership because he had written the bill was now actively giving it his support. If, on the other hand, such action could be forestalled, both the cause of prohibition—by virtually making its capture of the Democratic party complete—and the leadership of Senator Simmons would be greatly strengthened.

In his characteristic manner, Senator Simmons met the situation by openly and frankly giving his reasons for supporting the Ward bill and explaining why he did not think the committee should attempt to force members of the legislature to vote against their convictions. This was done "after hours of hot and bitter debate," in a "long and elaborate" speech, characterized as the "greatest speech of his life."[101] The committee, by a vote of 50 to 25, refused to take any action regarding the bill before the House.[102]

With this crisis passed, little doubt remained that the House would pass the Ward bill. After a special committee composed of 31 members had voted 27 to 4 to report the bill favorably,[103] the House by a vote of 74 to 35 enacted the bill as it came from the Senate.[104] Just prior to this action of the House, N. Glen Williams wrote an open letter to the *Charlotte Observer* in which he charged that the Democratic party had broken faith with the liquor dealers.[105] Along with this letter he published about a dozen of the seventy-five or eighty letters he had received from influential Democrats, including the governor, who favored carrying out the pledge. Cameron Morrison and some of the other Democrats who had been influential in fighting the Watts law were now standing alongside Senator Simmons and Daniels in support of prohibition.[106]

The Ward law of 1905 prohibited the manufacture of liquors in towns of less than 1,000 inhabitants.[107] Any town permitting manufacture or sale was required to maintain an adequate force of at least two full-time policemen. Another clause of the Ward law made the possession of a United States liquor license *prima facie* evidence that such person or firm

[101] *Ibid.*, February 22, 1905.
[102] *Loc. cit.*
[103] *Loc. cit.*
[104] *Journal of the House* (1905), p. 1048; see also *News and Observer,* March 1, 1905.
[105] *Charlotte Observer,* February 24, 26, 1905.
[106] Morrison, who two years before had fought the Watts bill, was accused on the floor of the committee of deserting his former friends. In a powerful speech he admitted his mistake and said: "I regret it, but seeing my error I have a right to be inconsistent and get away from wrong." Continuing his speech, he told of the misery and suffering caused by liquor in his home county. He vividly related the story of how recently two prominent men, who had lived very near him, drove while intoxicated into a swollen stream and were drowned. "He cried out, 'Give me back the life of one of them and I will give you (turning to the liquor dealers as this was said) back every cent you have ever paid me' . . . I've discharged every political and professional obligation I owed the whiskey interest and I'll never owe another so long as I shall live."
[107] *Laws of North Carolina* (1905), ch. 339, p. 360.

was either selling or manufacturing liquor in accordance with the provisions of the license.[108]

Obviously, the Watts and the Ward laws materially advanced prohibition in North Carolina. The Watts law reduced the number of retail dealers from 1,185 to 817 and the grain distilleries from 428 to 283.[109] Before the Watts law was passed, North Carolina distilleries consumed 282,714 bushels of corn and other grain per year. The year following the adoption of the Watts law the operating distilleries consumed only 146,436 bushels.[110] The Watts law allowed the farmers to convert their fruits into brandy, however, and the number of fruit distilleries increased from 444 to 462.[111]

The Ward law, together with local laws against the liquor traffic, further reduced the number of licensed grain distilleries from 283 to 66, and the fruit distilleries from 462 to 326.[112] The number of wholesale liquor dealers was reduced from 59 to 39.[113] The total amount of the United States internal revenue tax collected in North Carolina fell from $931,678.50 in 1903[114] to $706,067.10 in 1905.[115]

During 1906 and 1907 sentiment for prohibition steadily gained ground.[116] The anti-saloon forces were busily engaged in agitating the question, holding elections, and driving out the dispensaries and saloons, or replacing saloons with dispensaries. These local fights helped to crystallize public opinion against the saloon and to prepare the way for state prohibition. More and more the drys were successful in winning local elections.[117]

The legislature of 1907 was probably more conservative in its temperance legislation than in any other important matter. There was a prevailing disposition on the part of many members to accept the Watts and Ward laws as final.[118] About the only legislation affecting the entire state was an amendment to the law which required the public schools to teach the harmful effects of the use of alcohol.[119]

So rapid was the spread of sentiment for prohibition that by the beginning of 1908 only twenty-six counties had either saloons or dispensaries. Of the 328 incorporated towns listed in the census of 1900, 46

[108] *Ibid.*, pp. 361-362.
[109] United States Internal Revenue Reports, *House Doc.*, 58 Cong., 2 Sess., no. 11, p. 62; 58 Cong., 3 Sess., no. 11, pp. 60 and 62.
[110] *News and Observer*, December 8, 1904.
[111] United States Internal Revenue Reports, *House Doc.*, 58 Cong., 2 Sess., no. 11, p. 66; 58 Cong., 3 Sess., no. 11, p. 62.
[112] *Ibid.*, 58 Cong., 3 Sess., no. 4, p. 62; 59 Cong., 5 Sess., no. 20, p. 60.
[113] *Ibid.*, 59 Cong., 5 Sess., no. 20, pp. 60, and 58 respectively.
[114] *Ibid.*, 58 Cong., 2 Sess., no. 11, p. 175.
[115] *Ibid.*, 59 Cong., 5 Sess., no. 20, p. 171.
[116] *News and Observer*, 1906-1907, *passim*.
[117] *Judge J. C. Pritchard on Prohibition*, p. 11; *Chatham Record*, October 10, 1907.
[118] *News and Observer*, March 24, 1907.
[119] *Charlotte Observer*, January 26, 1907; *News and Observer*, March 24, 1907.

had licensed saloons, and 25 had dispensaries. The saloons were found in 14 counties, and the dispensaries in 17. Five of these counties had both saloons and dispensaries.[120] Clearly the hand-writing was on the wall, to be read by all who had eyes to see. The new year, 1908, was to witness a state-wide referendum on prohibition. Triumphantly the drys were to close the saloons in all North Carolina.

[120] Counties with saloons were Caswell at Milton and Yanceyville; Craven at Vanceboro; Edgecombe at Tarboro, Pinetops, Macclesfield, Old Sparta, Lawrence, Leggetts, Whitakers, Battleboro, Rocky Mount, Sharpesburg, St. Louis, Conetoe, and Oakley; Forsyth at Winston-Salem; Greene at Snow Hill and Jason; Martin at Williamston, Hamilton, Hassell, Everett, Parmele, Gold Point, and Robersonville; Nash at Rocky Mount and Battleboro; New Hanover at Wilmington and Wrightsville; Rowan at Salisbury . . . 9 counties

Counties with dispensaries were Alamance at Graham; Bertie at Windsor and Coleraine; Franklin at Louisburg; Granville at Oxford and Creedmore; Harnett at Dunn; Haywood at Waynesville; Johnston at Pine Level; Jones at Trenton; Lenoir at Kinston; Person at Roxboro; Vance at Henderson; Wayne at Fremont and Eureka . . . 12 counties.

Counties with saloons and dispensaries were Beaufort, dispensary at Edwards and saloons at Washington; Halifax, dispensary at Weldon and saloons at Enfield, Halifax and Lilley; Pitt, dispensaries at Greenville, Bethel, Ayden, and Falkland, saloons at Farmville, Oakley, Stokes, Pactolus, Grimesland, and Fountain; Rockingham, dispensary at Mayodan, saloons at Madison and Reidsville; Wilson, dispensaries at Wilson, Elm City, and Lucama, saloons at Black Creek, Wilbanks, and Bridgersville . . . 5 counties.

CHAPTER X

THE PROHIBITION ELECTION OF 1908

The question of state prohibition was not new in 1908 to the people of North Carolina. For years the more radical of the temperance reformers had been regularly presenting petitions to the legislature for state-wide prohibition, and the adoption of the suffrage amendment of 1900, as already pointed out, was looked upon by many as a step in its attainment.[1] Generally speaking, however, these radical reformers were content to submit to more conservative leadership and to give their support to the general policies of the Watts and Ward laws. Nevertheless, so powerful had become the sentiment for state prohibition that the governor had taken unofficial notice of it by stating, as early as 1905, that he thought the issue in North Carolina could best be settled by a state-wide referendum. Even then he predicted that it would carry by a majority of 50,000.[2]

An interesting characteristic of the agitation was its sectional aspect. Hitherto in North Carolina it had been regarded almost exclusively as an internal issue, having no important connection with similar movements in other states. Even the Prohibition party in North Carolina had made no determined effort to make of prohibition anything other than a state issue.[3] Now, because a trend for prohibition in all of the Southern states had followed the adoption of the suffrage amendments, many writers looked upon the agitation as part of a sectional movement and as a development distinctly Southern.[4] These writers were attempting to justify what was about to happen rather than to explain the fundamental reasons underlying the demand for prohibition. Despite the fact that prohibition was not distinctly Southern, a concerted Southern movement did take place; and this, doubtless, convinced many people in North Carolina that state prohibition was inevitable.

[1] MSS in Legislative Papers, 1870-1908, *passim.*

[2] *Chatham Record,* October 5, 1905.

[3] See ch. VI, *supra.*

[4] Reverend John E. White, "Prohibition: The New Task and Opportunity of the South," *South Atlantic Quarterly,* April, 1908. According to White the forces back of the prohibition movement were: 1. The organized influence of the Christian churches; 2. The educational forces; 3. The economic forces; 4. The social peace and progress of the South; 5. The race peril, not so much from the Negro as from the lower level of both races. See also *News and Observer,* January 16, 17, 18, 19, 20, February 18, 1908; *Presbyterian Standard,* June 3, 1908. In the *Progressive Farmer,* January 23, 1908, editor Clarence Poe gave three reasons why the South was turning to prohibition: 1. The absence of a large drinking foreign element; 2. The predominance of the Christian and church influences in the South; 3. The necessity of keeping liquor away from the Negroes of the baser sort. See also *Asheboro Courier,* quoted in the *News and Observer,* February 9, 1908.

By 1908 prohibition in North Carolina had reached such proportions that the next logical step was to make it state-wide—logical, because a majority of the area and of the people were already under no-license laws and, further, because the licensed traffic was now confined to relatively few places. Officials of the Anti-Saloon League in Salisbury wrote to the members of the legislature in 1908: "Our town of Salisbury is one of the strongholds of the saloon traffic, distillers, wholesalers, and saloon keepers having flocked here from towns and cities that have gone dry; thus making our chances at least uncertain for obtaining relief from this great curse by means of local-option elections."[5] The town, said these men, was completely dominated by the liquor forces.

More important was the tendency of the wet towns to affect prohibition in the surrounding territory; the wet centers were flooding the dry territory. The drys in the rural section were growing more and more convinced that prohibition in their communities would never be a success so long as Salisbury and other places "flooded their territory with liquors."[6] Said the *News and Observer:* "The saloon counties do not confine the evils of the sale of liquors in their own communities, but they make it all the more difficult for the temperance counties to enforce their laws."[7] A former state superintendent of schools, C. H. Mebane, wrote in the *Catawba County News:*

> The curse of our section is Salisbury and such places that sell whiskey to boys and men who go after it and bring valises loaded with bottles. One can sit in the train at Salisbury on almost any night and especially on Saturday night, and count valises by the dozen. . . . Our people are tired of this business and will vote to put a stop to it.[8]

New forces were coming to the support of prohibition. One of the most powerful arguments that had been used against restrictions on liquor was that such a course would be detrimental to the business of the community and the state. This argument was generally believed by the business interests before 1900. Looking back, its basis is rather obscure. Evidently it was a part of the prevailing theory that the liquor interests dominated not only governments but industry as well. No one, it seems, took time to investigate the argument; the liquor dealers said prohibition would "hurt business," and the reformers said it would not. As a result of the laws requiring a record to be kept of the sales at drugstores and dispensaries, the feeling was widespread that the enormous amount of money spent for liquor was in fact more of a retardation than a stimulation to the economic life of the state.

That large sums were being spent for liquor each year there can be little doubt. Heriot Clarkson said in 1907 it was estimated that the people

[5] *Recent Utterances on State Prohibition,* p. 5.
[6] *Loc. cit.*
[7] January 28, 1908.
[8] Quoted in *ibid.,* February 9, 1908; see also *ibid.,* February 19, 1908.

of North Carolina "spent $16,000,000 annually for alcoholic liquors; five times more than is spent to run the State government."[9] Judge J. C. Pritchard, in speaking of conditions which prevailed in Asheville before the saloons were closed in 1907, said: "Although we only have a population of 26,000, about $800,000 was spent annually in the seventeen barrooms."[10] The amount of liquor sold in Charlotte before the town voted in 1904 to close its seventeen saloons was said to have been 280,000 gallons a year, which, at $4.00 per gallon, amounted to $1,120,000.[11] The Raleigh dispensary did a business of $253,736.54 in 1906. During the three years and nine months that it operated, it sold over four-fifths of a million dollars' worth of liquor.[12] While statistics regarding the total amount of money spent are not available, all evidence points to the conclusion that the amount was large.

Not until town after town had proved that prohibition did not "hurt business" and that the premise of the argument was fallacious was this opinion generally accepted. Even many of the former anti-prohibitionists were now openly expressing the belief that whiskey was a luxury, especially when so many essential things were needed. To the prohibitionists the economic argument of the wets was not only fallacious but even foolish. Governor Glenn ridiculed the argument that whiskey helped business.

> Have you got sawdust in the top of your head or brains? If whiskey helps business, why is it that every business interest in North Carolina does not help whiskey? Why don't the railroads and other corporations . . . erect saloons along their tracks and on their property instead of Young Men's Christian Associations, chapels, and churches? . . . If whiskey helps business why don't your guano factories, oil mills, hosiery and cotton mills hire drunken employees? If whiskey helps business why don't your farmers employ drunken hands to plow your fields? Whiskey helps business![13]

The most effective economic argument during this period for prohibition, and more specifically for state prohibition, came from manufacturers. Counties with large numbers of cotton mills were among the first to drive out the distilleries and the saloons. The fact that such counties as Gaston and such towns as High Point and Concord were very aggressive against

[9] *Ibid.*, January 25, 1907.

[10] *Judge J. C. Pritchard on Prohibition*, p. 11.

[11] *Presbyterian Standard*, March 25, 1908. From July 8 to December 13, the drugstores of Charlotte, after the town had adopted prohibition in 1904, did a whiskey business of $15,037.60, or $30,075.20 per year. Adding a fee of at least forty cents for each prescription, about $45,112.80 was spent annually for whiskey at the drugstores; see also *Daily Industrial News*, January 2, 1908; *Union Republican*, January 9, 1908. The latter paper said that 18,787 prescriptions had been filled since July 18, 1908. For statistics of the sale of liquor at drugstores in Durham see *Daily Industrial News*, January 18, 1908.

[12] *News and Observer*, December 17, 1907. The total amount was $854,358.14; town taxes from all sources amounted to $330,080.44. A. A. Thompson, president of three cotton mills in Wake County, estimated that the thirteen saloons in Raleigh before 1903 spent annually about $172,875 for operating expenses—$74,000 more than all city taxes; *ibid.*, September 25, 1903.

[13] *Ibid.*, March 31, 1908.

the traffic was considered excellent proof, by the temperance advocates, of what prohibition would do for the industrial life of a community or state. S. B. Turner, president of the Henrietta Mills, Caroleen, described in a letter to Judge Pritchard in 1907 conditions before and after his county adopted prohibition:

> We could not be induced for any consideration to have the saloons in or near our mill towns.
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> When we built our mill village, this vicinity was noted for its blockade distilleries, and we had no end of trouble among our operatives, which interfered seriously with the running of our mills, and it was difficult for us to retain decent and respectable people at our mills, on account of rowdyism, midnight brawls, etc., and we had no relief until the people rose up and voted the manufacture and sale of whiskey out of the township, and, afterwards, out of the entire county.
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> Since that time I am glad to say that our community has been noted for its high class of industrious and prosperous working people, happy homes, good order, churches, Sunday schools and public schools.[14]

A mill superintendent wrote in 1902 to the North Carolina Bureau of Labor and Printing, a department of government in no way identified with the prohibition movement, that in his "opinion the greatest blessing to the mill help in North Carolina would be the abolition of the manufacture and sale of intoxicants."[15] H. G. Link, merchant of Charlotte and prominently connected with the manufacturing interests of the town, said, after that town had voted out the saloons in 1904: "People talking about city going dry hurts city is all bosh. In my sixteen years' experience I have never had such good business as I have had during the first six months of Prohibition."[16] So general had become the belief among manufacturers that whiskey was harmful to business that the *News and Observer* declared: "With but two or three exceptions in the whole State of North Carolina, so far as our information goes, the successful manufacturers are strong advocates of temperance legislation."[17] Thus by 1908 manufacturers were almost a unit for *state* prohibition. Moses Winston, testifying before a House committee, expressed the prevailing sentiment of his class when he said:

> Gentlemen, there is a liquor shop, a dispensary, two miles from Selma, and you must shut up that place or I must shut up my cotton mill. It is for you to say which you will encourage in North Carolina, liquor mills or cotton mills—the two cannot go together.[18]

[14] *Judge J. C. Pritchard on Prohibition*, p. 7.

[15] *Reports of the Bureau of Labor Statistics of North Carolina* (1902), p. 176; see also *ibid.* (1900), p. 336. R. G. Lee, of Greensboro, said, "Seemingly, intemperance is the greatest drawback with wage earners . . . especially among colored laborers." See *ibid.* (1903), p. 94.

[16] *A Call to the United States. A Second Mecklenburg Declaration of Independence*, July 5, 1904, p. 11.

[17] February 7, 1908.

[18] See *News and Observer*, April 5, 1908, for additional letters.

Railroad companies also helped to create the belief that liquor was detrimental to the industrial growth of the state. In the interest of safety they early adopted a policy of not employing men who drank.[19] The legislature had prohibited the sale of liquor at many places where the roads were under construction.[20]

Other forces were back of the movement for state prohibition. Aycock lifted his voice to identify prohibition with the educational awakening. "What does prohibition mean?" he asked. "It means," he answered, "a people calmly, judiciously sacrificing their appetite upon the altar of their children's uplift. . . . I have been called the educational Governor, and yet I would rather this matter be settled right, if it came to the worst, if every school house had to close its doors."[21] J. Y. Joyner, State Superintendent of Public Instruction, branded the charge that the schools could not live without the liquor tax "an absurdity and an insult" to the people of North Carolina.[22] Senator Simmons,[23] Josephus Daniels, former Governor Jarvis, Governor Glenn, and others were leaders in the movement to identify prohibition in the popular mind with education.

The churches were for state prohibition. Nearly every one of the sixty Baptist associations had gone on record for it, and the State Convention adopted unanimously in 1907 a resolution in favor of it as a principle.[24] The North Carolina Conference of the Methodist church said: "We stand against the sale of alcoholic stimulants as a beverage anywhere in the State of North Carolina and in favor of State prohibition."[25] The Reformed Church Classis and the Yearly Meeting of Friends took a simi-

[19] *Ibid.,* January 15, 1904; *Union Republican,* January 2, 1902.

[20] *Laws of North Carolina* (1874-1875), ch. 127, p. 125; *ibid.* (1873), ch. 42, p. 54.

[21] *C. B. Aycock on Prohibition: Extracts from the Speech of Ex. Governor Charles B. Aycock at Fayetteville, March 29, 1908,* pp. 1-2.

[22] *News and Observer,* December 18, 1907. "Liquor has been voted out of practically all the rural schools. . . . Durham voted liquor out and voted $50,000 into a magnificent new public high school building; Greensboro voted liquor out, and voted $30,000 into increased public school facilities. I could multiply illustrations—Asheville, Goldsboro, Newbern, and other places."

[23] *Charlotte Observer,* January 20, 1908. In an address delivered before the North Carolina Society of Baltimore, Simmons said: "The obstruction of negro suffrage out of the way, the people of North Carolina found themselves confronted with two other stumbling blocks of progress. They were both twin sisters of evil—liquor and ignorance. In the number of liquor saloons and in the percentage of illiteracy North Carolina stood humiliatingly near the head of the column in the reports of the census bureau. A bad preeminence. We were spending more money for liquor than for education, for intoxication than for children. The State taxed us for schools and we taxed ourselves for saloons and distilleries and the tax the State imposed upon us for the former was less than the latter. The fight [for the Watts law and the Ward law] which followed for the emancipation from the deadly shackles of this debasing servitude was a contest for the survival of the 'fittest' between the still house and the meeting house."

[24] *Minutes of the Baptist State Convention* (1907), p. 54; *News and Observer,* February 18, 1908.

[25] *Minutes of the North Carolina Conference of the Methodist Church* (1907), p. 31.

lar position.[26] The Synod of the Presbyterian Church expressed the earnest hope that the traffic in intoxicating liquors would soon be driven from the state and urged the use of "all legitimate efforts" to accomplish this end.[27]

More significant even than these was the position taken by the Episcopal Church. The Diocese of North Carolina adopted in 1908 the following preamble and resolution offered by Reverend E. A. Osborne:

> Whereas, The State of North Carolina is about to decide a great moral issue by an appeal to the popular voice of the citizens, and Whereas, We believe that the Christian forces of the Commonwealth should unite in eradicating all evil and immoral influences which are wrecking the lives and homes of our people; therefore be it
>
> Resolved, That this Convention is opposed to the manufacture and sale of alcoholic liquors within the borders of the State save for medical or sacramental purposes.[28]

Bishop Robert Strange, of the Eastern Carolina Diocese, endorsed state-wide prohibition and became active in its support. Addressing a large audience, he said "that for some time he was rather unfavorably inclined, but after weeks of prayer he concluded the proposed measure preferable to the present order."[29] Many of the ministers of the Primitive Baptist Church "wrote strong letters in favor of prohibition."[30]

Local prohibition in North Carolina had converted many people who were opposed both to the principle and method of prohibition. Fundamentally these people were individualists, grounded in the teaching of Thomas Jefferson, and adverse to any interference with their personal liberty. Therefore many refused quite naturally to vote the no-license ticket until the local laws had manifestly improved conditions; they then accepted the results and withdrew their opposition.[31] Now men who opposed any form of prohibition in principle accepted state prohibition not

[26] *Daily Industrial News,* April 30, 1908.
[27] *Presbyterian Standard,* March 25, 1908.
[28] *Convention of the Diocese of North Carolina* (1908), p. 23.
[29] *News and Observer,* May 12, 1908.
[30] *Ibid.,* May 31, 1908.
[31] For an excellent discussion of this topic see *Confession of an Anti-Prohibitionist.* This is a brief summary of social conditions in a small town in the central part of the state before that town adopted prohibition in the late nineties. "Many a time I have seen the road crowded with long trains of wagons, driven at top speed by drunken, cursing men, filled by others in the same condition or worse, all of whom were, to put it mildly, irresponsible. Drunk men in wagons, in buggies, on horseback, and on foot, pouring out of town, cursing, shouting, firing pistols and making the evening and night hideous. . . . I have counted (on court days and public celebrations) in the horse-lots back of the saloons as many as a dozen men unconscious from liquor. Others lay for hours in the outlying streets of the town in the same condition. . . . I don't mean that the town was composed of drunkards. . . . But the condition was tolerated. . . . In the late 90's a movement against the saloons began. . . . For a small community the campaign was heated. I voted the wet ticket." See also L. Graves, "Adventures in Prohibition, Conditions That Prevail in North Carolina," clipping from *World's Work,* November, 1920.

because they liked prohibition more but because they liked open saloons less; prohibition was accepted by this class of men "because the disease was becoming of a sort that made any remedy endurable."[32]

Notwithstanding the fact that local prohibition had prepared the way for an election on state prohibition, most of the dry territory was created by legislative enactment. By 1908 about ninety per cent of the state was no-license territory, but about seventy-five per cent of this was accomplished by legislative action; not more than one-fourth of the state had outlawed the saloons by local-option elections.[33] Two-thirds of the rural territory had banished the saloons and distilleries by special acts before the enactment of the Watts law. Therefore, many people doubted the efficacy of continuing the fight against the liquor traffic in local areas.

Moreover, the local-option elections tended to bring the Negro back into politics. Whenever such an election was held both sides, with rare exceptions, put up a brisk hunt for votes, and often the Negro registered, provided, of course, he agreed to vote a ticket corresponding with the position of the registrar. Governor Jarvis said he had heard "that in more than one of these elections negroes had been registered under the 'grandfather clause.'"[34]

Having taken part in a local prohibition election, the Negroes could scarcely be denied their vote in the general elections. Their return to the ballot box meant additional Republican votes, a result viewed by the majority party with alarm. Some of the leaders of the Democratic party determined to sponsor state prohibition as a means of checking the return of the Negro to politics, and, consequently, the growth of the Republican party.

Just what part, if any, the railroad rate controversy had is not entirely clear. There were those who recalled that in 1881 the popular mind had been diverted from the surrender or "sale" of a part of the state's railroad property by calling for a referendum on the question of liquor control—not on the railroad issue. Were economic forces and their agencies anxious at this time to find a popular diversion? No definite answer can be given because of the inadequacy of published railroad history.

Finally, there were those who were willing to support state prohibition because it was the popular side. A traveling salesman who lived in Raleigh, expressing this sentiment, said that although he was opposed to the principle of prohibition he was for state prohibition because he "saw that it met with popular sentiment, and therefore considered it his duty to help in giving it a trial."[35] Another person said, after observing the bitterness and dissension caused by the local-option election: "The thing that is important is that it is what . . . the people want, and the sooner

[32] Hamilton, *History of North Carolina,* p. 415.
[33] *News and Observer,* January 15, 1908, quoting *Webster's Weekly.*
[34] *News and Observer,* January 5, 1908.
[35] *Ibid.,* December 31, 1907.

it is given them the more quickly they will be satisfied, the sooner the agitation will cease, and, if the experiment proves a failure, the sooner the people themselves will correct it."[36]

Thus, by 1908 the industrial, educational, religious, and social forces of North Carolina were lending aid to a popular demand for complete, state-wide prohibition. The newspapers that had supported the principles of the Watts and Ward laws now supported state prohibition.[37]

The North Carolina Anti-Saloon League was the organization that unified these various forces into a well-articulated and powerfully effective fighting machine. Yet the League did not endorse state prohibition without serious disagreement among its leaders. Not until January, 1907, did its convention grow courageous enough to consider seriously such a course. After the platform committee had refused to come out squarely for state prohibition, the "radical" members, F. D. Hale and John A. Oates, Jr., submitted a minority report. So animated became the discussion on the two reports that the League finally adopted a compromise by endorsing the majority report favoring the local-option method but, for the sake of harmony, pledged itself to "State prohibition as a principle."[38]

More significant to the progress of prohibition was the resignation of J. W. Bailey as secretary of the League. After the reports from the local leagues turned out to be only pleas for state prohibition and after the convention accepted state prohibition in principle, a course which Bailey considered unwise, he tendered his resignation. With some reluctance the convention accepted it, but assured him that much of the progress made against the liquor traffic during the past several years was primarily a result of his able and untiring leadership, for which he was voted the thanks of the League.

Pressure was brought immediately on John A. Oates, Jr., to accept the post made vacant by the resignation of Bailey. Oates was unwilling, however, to take this office unless assured of united support. As it was well known that he was in favor of state prohibition, Oates was not convinced he would have that support in the face of the defeat of his minority report; he declined the office at that time, but accepted it in September.[39] In the meantime, the convention employed a state organizer who was to devote his entire time to carrying on the work. For this position Reverend R. L. Davis was chosen, and he began work in April after the adjournment of the convention.

Under the leadership of Oates the North Carolina Anti-Saloon League took on new life. As a challenge to the new year, he issued on January 1 a message to the friends of temperance and prohibition in which he predicted the final overthrow of the whiskey traffic in North Carolina.[40]

[36] *Loc. cit.*
[37] See *ibid.*, "Spirit of the Press," January—May, 1908, *passim.*
[38] *News and Observer,* January 25, 1907.
[39] *Loc. cit.*
[40] *Ibid.,* January 8, 1908.

Nine days later Governor Glenn called the legislature to meet in special session on January 21 for the purpose of adjusting the railroad passenger rates. Prohibition was not mentioned in the call. Seeing the possibilities of the situation, Oates and Heriot Clarkson, who had been recently elected president of the League, immediately asked the officers of the League to meet in Raleigh on January 16.

At the appointed time, Clarkson, Oates, Daniels, J. H. Pou, W. S. O'B. Robinson, J. A. Hartness, W. N. Jones, Clarence Poe, R. B. White, and others met. After the issue of state prohibition was carefully gone over, they unanimously endorsed it and issued a call for a temperance convention to meet in Raleigh, January 21, the opening day of the special session.[41] Oates and Clarkson were named a committee to see Governor Glenn and to request him to include in his message a recommendation for state prohibition.

The prohibition convention, "the greatest ever witnessed in North Carolina," assembled at the appointed time. The most spectacular feature was the especially costumed delegation of seventy-five men from Salisbury, the "wettest town in the State." Clarkson called the convention to order, and Governor Glenn made the key-note speech, characterized as "brilliant, of great force, and captivating effect."[42] J. A. Hartness introduced a resolution petitioning the legislature to enact a law prohibiting the manufacture and sale of intoxicating liquors in North Carolina. After the resolution was unanimously adopted by the convention, Oates and Clarkson were appointed a committee to draft a bill to be presented to the legislature.[43]

When Governor Glenn was asked to recommend prohibition, his message, dealing alone with passenger rates, was already in the hands of the printer. The message was immediately sent for, and a "powerful and ringing" appeal for state prohibition was added.[44] "The people are determined," he said, "to make a *trial* of *prohibition*, and the only thing to decide is *when* and *how* this can be brought about."[45] He recommended that a statutory law for the whole state be passed immediately; this would stop the expense entailed and the bitterness engendered in local fights. If this were not done, he feared the question would become an issue in the next campaign to cause confusion and strife. The General Assembly was told to pass the law, and "your act will be the wisest and best ever passed by any legislative body."[46]

[41] *Ibid.*, January 15, 1908.
[42] Heriot Clarkson, MS History of the Temperance and Anti-Saloon Forces in North Carolina.
[43] *News and Observer*, January 22, 1908.
[44] Clarkson, *op. cit.*
[45] *Public Documents of North Carolina* (1909), I, 12.
[46] *Ibid.*, p. 14. In a burst of oratory the Governor said: "We talk of the wrongs of the protective tariff, the ills and crimes engendered by monopolies and trusts, but all the evils and inequalities of the tariff, or the robberies and oppressions of greed and monopoly together do not begin to compare with the sorrow, the ruin,

The political parties were anxious to keep the question of prohibition out of politics. At a caucus of the House and Senate sitting separately, the Democratic party decided to pass a prohibition bill with the provision that it should be submitted for ratification or rejection to a vote of the people. This course was agreed to as a compromise measure, after two members, who favored a statutory law without the election provision, had withdrawn from the House caucus, precipitating a "stormy scene."[47] The Republican caucus concurred in this action.[48] Thereupon the Anti-Saloon League accepted the election provision and gave the Long-Dowd bill, the compromise bill, its united support. The bill passed the Senate by a vote of 45 with none voting in the opposition,[49] and the House by a vote of 82 to 3. Those voting against it in the House were Albright of Surry, Grant of Davie, Republicans, and Morton of New Hanover, Democrat.[50]

The law, "An act to prohibit the manufacture and sale of intoxicating liquors in North Carolina," extended the principles of the Watts and Ward laws to the entire state.[51] To sell or manufacture any spirituous, vinous, fermented or malt liquors, or intoxicating bitters was made unlawful. Druggists were allowed to sell upon written prescription of a licensed physician for sickness only. Wine and cider made from grapes, berries, or fruits could be manufactured and sold, provided the sale was made at the place of manufacture and in sealed packages of not less than two and one-half gallons. Cider could be sold in any quantity by the manufacturer from fruit grown on his lands. The governing body of any town or county was given the power to stop the sale of liquor by druggists.[52]

The act was to go into effect January 1, 1909, provided a majority of the votes cast in an election to be held May 26, 1908, should be "against the manufacture and sale of intoxicating liquors."[53] A proclamation by the governor announcing the results would officially determine whether prohibition would become effective according to the law.

The campaign that followed was one that stirred the people of North Carolina. In no sense was the question a political issue.[54] Two of the

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the misery, the crime, the poverty, the madness, the vice, the degradation, the death and the damnation produced by strong drink; and, therefore, in the interest of business, for the protection of the helpless women and children, for the suppression of crime, the amelioration of want and poverty, the prevention of disease, the preservation of life and the salvation of souls, in the name of a million true, brave, pure and noble Carolina men, women, and children, I ask you at this session to abolish this demon of destruction." *Ibid.*, pp. 13-14.

[47] *Daily Industrial News*, January 22, 1908.

[48] *News and Observer*, January 23, 1908.

[49] *Journal of the Senate* (Special Session, 1908), p. 49.

[50] *Journal of the House* (Special Session, 1908), p. 131; see also *Chatham Record*, January 29, 1908; *News and Observer*, January 28, 1908.

[51] *Laws of North Carolina* (Special Session, 1908), ch. 71, pp. 83-87.

[52] *Ibid.*, p. 84.

[53] *Ibid.*, p. 85.

[54] The Democratic party emphatically declared, officially and unofficially, that prohibition was not a political issue. The Republican State Convention in Greens-

most prominent speakers for prohibition were Judge J. C. Pritchard, an outstanding leader of the Republican party in the state, and Governor Robert B. Glenn. Every attempt to inject politics into the campaign was immediately quashed.

The dry leaders eagerly and enthusiastically planned for the coming campaign.[55] The *News and Observer* sounded the battle cry, the cry that became the rallying cheer of the drys: "To your tents, O Israel."[56] Oates opened headquarters in Raleigh and began the work of organizing the state for election day in May. To Oates, Clarkson, president of the League, and R. L. Davis, state organizer, fell the burden of guiding the movement. They adopted and refined the practices used by the prohibitionists in the local contests. Prohibition rallies were scheduled for every county and for almost every township; speakers from the immediate community and from other towns pointed out that the supreme crisis had arisen and that the day of retribution was at hand.[57] Clarkson declared during the campaign that he had never seen such huge crowds attend any meeting as attended the anti-saloon speakings.

Governor Glenn was the leading speaker for the drys. He travelled over 4,000 miles and made more than 50 speeches.[58] The *Winston-Salem Journal* said: "Governor Glenn is making the speech of his life, and one never saw such crowds. He had 4,000 to hear him in Wilson, 2,000 in Selma, 4,000 in Salisbury, and even in a little crossroad point in Pitt there were 3,000."[59]

The women and children took a very important part in the campaign and election. Children were organized into singing classes and taught prohibition songs to be used at rallies and on election day. The parade of the women and children in Washington was typical. It was described by a correspondent of the *News and Observer* as follows:

> Under the auspices of the Ladies' Prohibition League of this city a procession composed of about six hundred school children and a large number of ladies in carriages was formed and paraded the principal streets of the city at

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boro, April 30, 1908, defeated decisively an anti-prohibition resolution introduced by Thomas Settle. *News and Observer,* May 1, 1908; *Union Republican,* January 9, 1908. "Prohibition like religion, should be kept out of politics." The Republican *Daily Industrial News,* February 12, 1908, said: ". . . the prohibition question is in the very nature of the case moral and economic, rather than political, in character, and as this theory so universally obtains there is no particular reason why the Republican party, no more than that of the dominant party, should endeavor to run this question into politics." An editorial in the *News and Observer,* January 28, 1908, was entitled, "Keep Prohibition Out of Politics."

[55] *News and Observer,* February 28, 1908; *Recent Utterances of the Anti-Saloon League, passim.*

[56] January 22, 1908.

[57] Almost every issue of the *News and Observer* during March, April, and May carried accounts of the activities of the drys. See also *Chatham Record,* May 20, 1908; *Daily Industrial News,* March 13, May 19, and *passim,* 1908; *Charlotte Observer,* May 15, 1908; *Fayetteville Observer,* March—May, *passim,* 1908.

[58] Clarkson, *op. cit.*

[59] Quoted in the *News and Observer,* May 22, 1908.

12 o'clock to-day singing prohibition songs and flying white flags and banners. The procession was half a mile long, composed of mounted horsemen and bicyclists, then about six hundred children on foot. Several prohibition floats and about one hundred carriages filled with ladies and children, all were gaily decorated in white and flying white flags and banners. Among the most prominent mottoes were: "Vote for Prohibition and Protect Us," "You Protect Your Horses and Dogs by Law, Why not Protect Us?" "Wanted Ten Thousand Boys Every Year for the Saloon," etc. The procession made quite an impression on our citizens and doubtless won a large number of votes for the cause.[60]

On election day the women and children, at some places, surrounded the polls and begged each doubtful voter to remember them.[61] The members of the Woman's Christian Temperance Union distributed printed circulars advocating prohibition and depicting the ruin caused by the whiskey evil. Oates made a direct appeal to every minister to preach temperance in the pulpit and thus help win the victory.[62]

The anti-prohibitionists also waged a "campaign of education." Soon after the legislature adjourned, W. B. Schuler, president of the liquor dealers in his town, called the dealers to meet in Wilmington, February 10, 1908.[63] Schuler's letter suggested that a new state-wide liquor dealers' association be formed and that it "raise sufficient funds" to have a thorough canvass on the issue before the people. The letter said further that the new state association should join the National Wholesale Liquor Dealers' Association, that the saloon people should send "good stump speakers throughout the State," and that a "campaign of education through the leading newspapers" should be waged. The election offered the last hope, the letter concluded, of redeeming their business, and each dealer must put "his shoulder to the wheel and contribute a reasonable amount of funds." With the "railroad people, their employers, Republicans, independents, liquor dealers, their employers, and dissatisfied Democrats" presenting a united front, Schuler predicted that prohibition would lose by several thousand votes, and that the Democratic party would disintegrate.[64]

The Wilmington meeting was held, but its proceedings were not made

[60] *News and Observer,* May 24, 1908.

[61] *Ibid.,* May 24, 26, 27, 28, 1908. The *Daily Industrial News,* May 27, 1908, declared "That was a most happy inspiration which led our prohibition friends to invoke the aid of the women and children. . . . It is all right and proper enough, and the occasional carping critic is quickly silenced. But there can be no question concerning the efficacy of the arrangement in swelling the prohibition majorities. There is something that works powerfully upon the simple minded whites, and when they see the women and children about the polling places they will, like those simple minded blacks of another day, to whom not a harsh word had been spoken, set off in another direction unless they can be with the majority." See also Peter H. Odegard, *Pressure Politics,* p. 95.

[62] *News and Observer,* April 7, 1908.

[63] *Ibid.,* February 13, 1908.

[64] *Loc. cit.*

public.[65] The executive committee chosen at that time subsequently held other meetings, but their minutes were not published.[66] The plans of the liquor dealers, however, were soon revealed. They decided that to fight prohibition as an association would likely stimulate the anti-saloon forces to greater activity and that other methods could be used more advantageously. The other logical alternative was to fight prohibition from within the Democratic party; for the Republican party was out of power, and many of its leaders were active against the liquor interests. Consequently, a Democratic Anti-Prohibition convention was called to meet in Salisbury, March 5.[67]

The Democratic Anti-Prohibition convention was held, but only three or four Democrats living outside of Salisbury attended.[68] This meeting chose A. H. Boyden, of Salisbury, as chairman of the state central committee. A finance committee was appointed, which raised at the meeting "quite a nice fund," and a "Literary Bureau" was established to distribute information to the people necessary "to protect them from being misled by selfish and designing politicians." The leaders of the convention announced that they were determined to wage "a fair, square, and clean" campaign "free from all hypocrisy"; they would appeal to the people "to stand by the time-honored principle of local self-government and the platform of the Democratic party."[69]

Headquarters were opened at Salisbury. On the whole an aggressive and shrewd campaign was conducted; the liquor dealers stayed in the background while the campaign was managed, openly, by men not connected with the traffic.[70] So many campaign documents were mailed from headquarters that an additional clerk had to be added at the post office.[71] Agents were sent into "every hamlet in North Carolina" to instruct especially the rural people in the elements of local self-government and to point out that under the proposed law they were being discriminated against.[72] With the help of the National Liquor Dealers' Association, the saloon advocates were able to send many capable speakers to address the

[65] *Daily Industrial News,* February 12, 1908.

[66] *Charlotte Observer,* February 25, 1908; *Daily Industrial News,* February 7, 1908.

[67] *Daily Industrial News,* March 7, 1908.

[68] *Loc. cit.; News and Observer,* March 6, 1908; see also *Fayetteville Observer,* March 7, 1908.

[69] *Fayetteville Observer,* March 7, 1908.

[70] *Chatham Record,* April 1, 1908; *News and Observer,* February 12, 1908.

[71] *Daily Industrial News,* April 19, 1908.

[72] *Loc. cit.* "National Liquor Dealers' Association has been invoked and its press agents have been furnished with the names of thousands of voters throughout the State, with the result that a constant stream of whiskey literature is floating into North Carolina from Chicago, New York, and other cities. A little pamphlet called 'Farm and Home' which is sent out as a farmers' periodical, is going into the rural districts. It contains much good farm news, but also contains an abundance of liquor articles."

people in the towns. Two of the most popular of these were W. A. Self and Thomas Settle.[73]

As the election day approached, the feverish activities of the wets threw fear into the ranks of the drys. Should the results of the election be relatively close, much of the moral weight of prohibition would be lost and to that extent a victory nullified. Charges and counter charges were hurled with abandon. The "Liquor Crowd," said the *News and Observer,* was using "vile and corrupt methods" to defeat prohibition. "From drunken orgies, miscalled picnics, to plain bribery and false statements, the fight in some counties is a travesty upon decency."[74] The wets, having passed the word around during the first months of the campaign that no great effort would be made to defeat prohibition, were now predicting a very close election and a wet majority in many counties. Stories of "barrels of money" being spent by the wets were widely told and generally believed.

> It is now apparent that the opponents of State prohibition have plenty of money. It is stated that two of their leaders went to New York last week and had a conference with the representatives of the wholesale liquor interest. It is well known that the Brewers' Association in session in New Orleans two weeks ago determined to spend millions in trying to stem the temperance wave in the South. It was only when sure that they would have money to hire organizers that the anti-prohibition forces got busy. Their program now is not to make an appeal to the voters in the open, but to hire one or more managers in each county in the State, and for these local managers to hire organizers in every township in the State, and it is believed they will have abundant money to make a house to house canvass, or make such a showing in many counties as to open the door for what they believe will be reaction against temperance. The wholesale liquor interests and brewers are putting up the money and flooding the State with campaign literature . . . in other words paid for by blood money.[75]

The climax of the "clever" attempts of the wets to defeat prohibition was an effort to convince the people that prohibition was the entering wedge to put the "wild-eyed fanatic" in control of North Carolina, an effort that undoubtedly over-reached itself. Several days before the election the *Winston-Salem Journal* carried a paid advertisement in the form of a half-page picture, said to be a copy of a dry circular, with arguments against prohibition.[76] The picture represented a closed tobacco factory

[73] When Self spoke in Charlotte the wet program was sponsored, openly at least, by Jake F. Newell. The *Charlotte Observer,* May 24, 1908 said: "Mr. Jake F. Newell's was the skillful hand, or rather, perhaps, the silvery voice, in charge of last night's meeting. His introductory speech was a superb specimen. 'We are come,' said Mr. Newell, 'on strange times in the good old State of North Carolina—conditions which make it a strange thing to see a man who is a man. . . .'" See also *News and Observer,* May 13, 1908; *Daily Industrial News,* May 6, 14, 20, 1908.

[74] May 21, 1908.

[75] *Loc. cit.*

[76] *Loc. cit.* The *News and Observer,* May 23, 1908, said that about 50,000 "of the lying circulars" were sent into the tobacco counties.

with a worker and his family starving, and with a farmer's home "For Rent" and his family starving, all because of a law that nobody should chew or smoke tobacco. Underneath the picture on the supposed circular was a long article entitled "Vote as you Pray." Following this was another article which said that the above circular was being distributed over the state by the drys and that if whiskey was voted out, the next move would certainly be against tobacco, adding "that is what they say, read the circular and see for yourself." Josephus Daniels branded this move the "most contemptible lie yet circulated." He said further that the "fertile falsifier who invented this clumsy and contemptible lie evidently presumes that the people are idiots and fools."[77]

The contests in Salisbury, a saloon town, and in Durham, a prohibition town, became the "storm centers" of agitation. In both places, the campaign assumed more and more a personal aspect.[78] Since Salisbury was the headquarters of the wets and the center of a thriving whiskey business, the drys were determined upon winning there. On Saturday before the election fully ten thousand people gathered to listen to the intemperate speeches of either the drys or wets.[79]

[77] *Ibid.*, May 21, 1908.

[78] *Daily Industrial News*, May 20, 1908.

[79] A correspondent of the *News and Observer*, May 24, 1908, described the day in Salisbury as follows:

There has never been a day like this in Salisbury. This old town and county, inhabited mainly by people of culture and refinement, saw ladies of the loftiest character publicly jeered and abused, ministers of the gospel outrageously slandered, and an imported public speaker add to the infamous remarks of toughs.

The Prohibition contest here saw its apex today when more than 5,000 people heard George Stewart and Ham in tent talking Prohibition. Previous to the speaking, the Temperance forces paraded 2,000 strong, men, women, and children being in the procession.

The saloons were all closed so that their owners and employees could be at work. The sidewalks were lined. As the carriages passed the streets, thugs on the sidewalks hurled insulting remarks about the ladies and the preachers.

As Evangelist Ham passed, thugs hollered out, "Rotten, We will make Rotten Sandwiches out of Ham."

Of Rev. George Stewart they said, "Stewart's face is a map of hell."

As one carriage of ladies passed by, the thugs called out, "Why in the hell don't you women put on breeches?"

And "you are a set of damned hypocrites" and "there is old Judas."

While one carriage was passing, thugs held up whiskey bottles and urged the ladies to drink.

The worst was a cry, after the carriage containing the ladies had passed by, "They ought to be down in the slums where they belong."

THE COURT HOUSE MEETING

. . . Mayor Boyden presided at the meeting of the anti-prohibitionists, and in introducing the speakers, declared that his old friends and colaborers in politics had gone back on him except about four. He said he had found it impossible to get men with *backbone* enough to stand up and speak against the temperance movement. . . .

The first speech was made by T. A. Jones of Asheville. . . . Mr. Jones used freely such words as "liars," "hypocrites." . . .

The next speaker was an imported product from Wisconsin. . . . Sauer. He made votes for Prohibition. . . .

The Sauer spell-binder was working hard to earn the money paid him for speak-

"After one of the most strenuous campaigns in the history of North Carolina,"[80] election day passed off without any serious trouble.[81] The wets had become pretty well convinced that prohibition would carry, and the drys were predicting victory by 20,000 majority. The results came as a surprise to both sides. Prohibition received 113,612 votes to 69,416, a majority of 44,186.[82]

Prohibition carried in all but twenty-one counties. These twenty-one counties gave a total adverse majority of only 8,383 votes. Johnston, an eastern county, led with 1,590 majority against, and Wilkes, a western county, came second with 1,296 majority. The largest majority for prohibition was 3,760 votes in Buncombe, and the highest percentage was in Yancey, where only ten votes were cast against out of a total of 1,220. Cleveland, Robeson, and Haywood each gave more than a 2,000 majority for prohibition. Counties polling more than 1,500 majorities were Mecklenburg, Forsyth, Madison, Randolph, and Guilford.

Salisbury was carried by the prohibitionists by a majority of about 100, and Rowan County by about 400. Winston-Salem was carried by the drys by a majority of 1,500. Wilmington gave about 200 majority to the drys. Greensboro, Charlotte, Asheville, and other central towns were in the dry column. Durham, a town previously dry, voted wet. Raleigh went dry, but Wake County voted wet.[83] Of the twenty-two counties in which liquors were sold before the election either by saloons or dispen-

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ing, and became warmed up in a glowing eulogy of Chairman Boyden . . . a good member of the Episcopal Church . . . but he had attended only a few times in several years. "But," went on Sauer . . . "Mayor Boyden will go through the pearly gates ahead of Hypocrites."

And then a loud voice of a thug rang out clear. . . . "That preacher is a son of a bitch."

The Speaker, instead of rebuking the thug for the vulgar and indecent and contemptible utterance, turned to him and said: "My friend, do not call him that, for it is an insult to the dog."

A controversy, in which bitter words were spoken, arose over the correspondent's account of the Salisbury meeting. Mayor Boyden denounced it as an "outrageous lie." To this the *News and Observer* replied in another front page article in large type which affirmed that every word of its former article was true and that only half had been told. Other wet papers denounced vigorously the "tactics" of the *News and Observer* and the "slanderous" article; see *News and Observer*, May 26, 1908; *Daily Industrial News*, May 26, 1908; and *Charlotte Observer*, May 24, 1908.

Charlotte Observer, May 24, 1908 said: "The prohibition parade was led by the Rockville band and followed by a long line of children, some being rolled in baby carriages, escorted by the China Grove band. Following this a line of several hundred women and children, together with more than a hundred voters, came flying banners and yelling with utmost excitement, with Evangelist George Stewart bringing up the rear in an automobile."

[80] *Fayetteville Observer*, May 25, 1908.

[81] *News and Observer*, May 27, 1908; *Charlotte Observer*, May 27, 1908; *Daily Industrial News*, May 27, 1908.

[82] Connor, *North Carolina Manual* (1913), pp. 1019-1020; see also *News and Observer*, June 20, 1908; *Fayetteville Observer*, May 28, 1908. See Appendix for complete returns.

[83] The majorities against prohibition in Wake and Johnston counties were termed "A Rebuke" to the *News and Observer* by the *Daily Industrial News*, May 28, 1908.

saries, only six—Caswell, Edgecombe, Franklin, Martin, New Hanover, and Person—voted wet with a total majority of only 1,563. The total majority of these twenty-two previously wet counties for prohibition was 8,698.

The vote from Raleigh eastward and along the southern border of the state from Cleveland eastward was fully as heavy as it was in the state political election two years before, while there was quite a heavy falling off in the vote west of Raleigh except for the southern counties. The vote in Mecklenburg was about 1,400 greater than it was in the state election of 1906, and in Wake 1,300 greater, while the vote in Union was more than twice as large in the prohibition election as two years before. In some of the mountain counties the vote was little more than half what it had been in the election of 1906; since the mountain section was the prohibition stronghold, the majority for prohibition would have been larger if a full vote had been cast in this section. In parts of the state where wet public sentiment was strongest the total vote cast was largest.[84]

The last phase of the election of 1908 was the meeting of the anti-saloon forces with the governor, June 19, to see him sign the proclamation making North Carolina a prohibition state on January 1, 1909. As Governor Glenn finished signing his name to the proclamation, the audience sang "Praise God from whom all blessings flow."[85] Those present looked upon this occasion as the benediction ending a contest with the liquor evil that had lasted for one hundred years. "A new birth had come," said one of the members present, "to its people and 'Praise God from whom all blessings flow' was the herald song of voices that welcomed the advent of the day when the blight and desolation that flow in the wake of the liquor curse shall be no more in all North Carolina." Governor Glenn said, as he announced the results, "This is the proudest day in my life. It is the crowning act of my administration to sign this proclamation and to know what it means for the State."[86]

Thus North Carolina was the first state to adopt prohibition by a direct vote of the people. The *Washington Progress* declared: "North Carolina first at Bethel, farthest at Appomattox and the first State in the Union to banish the liquor traffic by popular vote, a glorious history. . . . Each man should record his vote in the family Bible."[87] The press of the state accepted the results as conclusive evidence that North Carolina would henceforth be a prohibition state; the drys said for always, the wets said for a time.[88] The *Fayetteville Observer,* favorable to license, said:

[84] See the *News and Observer,* May 29, 1908, for further comparison of the prohibition vote with the election returns of 1906.

[85] *Ibid.,* June 20, 1908.

[86] *Loc. cit.*

[87] Quoted in the *News and Observer,* May 30, 1908.

[88] *Asheville Citizen* quoted in the *News and Observer,* May 30, 1908: "The phenomenal prohibition wave which swept North Carolina yesterday must not be looked upon as the result of a passing fad, or temporary wave. The figures speak for themselves and indicate a determination on the part of the people to at least give

"The result of the prohibition election is accepted as final. At least for some years to come, and it should be so. The law should be enforced and State prohibition given a fair trial. Everybody is glad the election is over."[89] The *Daily Industrial News*, also favorable to saloons, declared, "The Old North State is now scheduled to become a 'toddyless Sahara' for which the prohibition forces have long labored."[90] The *Charlotte Observer*, wet, hoped that prohibition would bring all the good results claimed for it by its advocates,[91] but cautioned that they were likely to have some difficulty in enforcing the law.[92] The *News and Observer*, the most influential daily newspaper supporting the no-license cause, was enthusiastic over the results:

> We have had important elections in North Carolina to settle vital questions, but the most important in the life of this generation settled the matter of suffrage and made North Carolina a prohibition State. When the future historian comes to write the history of North Carolina he will show that the passing of the suffrage amendment opened the way for the educational revival and the spread of temperance which did more for the progress and uplift of the people than anything in the entire history of the State.[93]

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prohibition a trial for the purpose of ascertaining if prohibition is indeed a solution of the problem which has been puzzling mankind almost since the world began . . . the law should be enforced without fear or favor."

[89] May 28, 1908.
[90] May 27, 1908.
[91] May 27, 1908.
[92] May 29, 1908.
[93] May 27, 1908.

CHAPTER XI

STATE PROHIBITION

The prohibitionists' triumph in 1908 was an anti-saloon victory. Although the manufacturing of liquor was prohibited, the movement against the distillers was largely a by-product of the anti-saloon crusade. Now the sale in retail establishments was outlawed, but the sale of liquor was still legal at drugstores and from outside the state. Drugstores were allowed to retail if the purchaser had a prescription from a physician, and liquor could be bought outside of North Carolina and shipped by mail, express, or other means to the purchaser.[1] The chief accomplishment of the law of 1908, therefore, was to require of the buyer more effort. The ease with which liquor might be bought depended in a measure upon the additional cost of a doctor's prescription or upon a knowledge of how and from where it could be purchased.

The legislature of 1909 made liquor more easily obtainable by legalizing retail to certain classes and by encouraging illicit sales. Under the title of "social clubs," retail sales where permitted to associations of men in towns.[2] If the club paid an annual tax of two dollars per member, it was allowed to sell liquor to its members. Soon these clubs were recognized as saloons with a different name, and were called "co-operative barrooms" by Chief Justice Clark.[3] In the revenue act of the same session an annual license tax was levied on dealers in near-beer, beerine, and similar drinks.[4] Under the protection of this clause, many such dealers sold liquor as well as near-beer, and they could not be easily caught. But what was more important, the Supreme Court interpreted the law to mean that a town could not close these blind tigers, as they were popularly called, unless the charter of the town specifically authorized the power.[5]

This decision opened the floodgate for illegal sale and caused widespread discontent. Some of the towns tried to meet the situation by levying a prohibitively high license tax on dealers in near-beer. The Anti-Saloon League promptly started a movement to ask the legislature

[1] *Public Laws of North Carolina* (1908), ch. 71, pp. 83-87.
[2] *Ibid.* (1909), ch. 438, sec. 64, p. 676.
[3] *News and Observer,* January 27, 1912.
[4] *Public Laws of North Carolina* (1909), ch. 438, sec. 63, p. 676.
[5] *North Carolina Supreme Court Reports,* 150 N. C. 799, State *v.* J. Dannenbery. Morehead City by town ordinance prohibited the sale of any drink which required a federal license—liquors containing over one-half of one per cent of alcohol. Chief Justice Clark and Justice Hoke dissented.

Charlotte attempted to remedy the situation by placing a license tax of $1,000 on the dealer. In State *v.* Dannenbery, 161, N. C. 718, the Court sustained this tax. See *News and Observer,* March 1, 1911, "Supreme Court Hurts Prohibition."

of 1911 to repeal the law, as well as to abolish the coöperative barrooms. When the legislature met it followed the recommendations of the League and repealed the near-beer[6] and social club[7] laws.

Despite the gains made by these laws, the prohibitionists were clearly on the defensive. After the stirring campaign of 1908, the activities of the League had been sharply reduced, and it had engaged in no state-wide undertaking except those mentioned above. R. L. Davis, superintendent, described the attitude of both the "moral" drys and the "political" drys when he said that they had been "eavesdropping for a change of sentiment."[8] Having taken an advanced stand for prohibition in 1908, drys were uneasy lest there should be a popular reaction.

By the end of 1911 some clearly saw that the reaction was in full swing. The difficulties experienced in enforcement, the fact that the state was flooded "with literature pointing out the easy acquisition of whiskey," and the flourishing blind tigers discouraged many prohibitionists; and some wanted to turn back.[9] Faced with these difficulties and with the uncertainties of an approaching election, the leaders of the League resolved upon a policy of attack instead of retreat. Thereupon they issued a call for a state-wide prohibition convention, the first since 1908, to meet in Raleigh January 27 and 28, 1912. Such a convention would encourage the drys and impress the politicians.[10]

Heriot Clarkson, president, opened the meeting, described as the "greatest convention" in the history of the state.[11] Governor W. W. Kitchin, candidate for Senator Simmons' office, was given a prominent place on the program, a move which indicated the strategy of the drys. "His championship of temperance was strong enough," said the *News and Observer,* "to satisfy the most refractory of men. If he ever spoke out more certainly on the question, the word has not been recorded." Denying the charges of the opposition, Kitchin said, "It's the best enforced of all the laws."[12]

In a speech before the convention Judge Jeter C. Pritchard answered the arguments that morals could not be legislated and that prohibition had hurt business. He denied that morals and law could or should be separated. The "leaguers almost had heart failure" when he had pro-

[6] *Public Laws of North Carolina* (1911), ch. 35, sec. 1, p. 70; *News and Observer,* February 5, 1910; January 6, February 9, 12 ,15, 1911.

[7] *Public Laws of North Carolina* (1911), ch. 133, sec. 1, p. 298.

[8] *Proceedings of the Fifteenth Annual Convention of the Anti-Saloon League of America* (1913), p. 313; *News and Observer,* January 27, 1912.

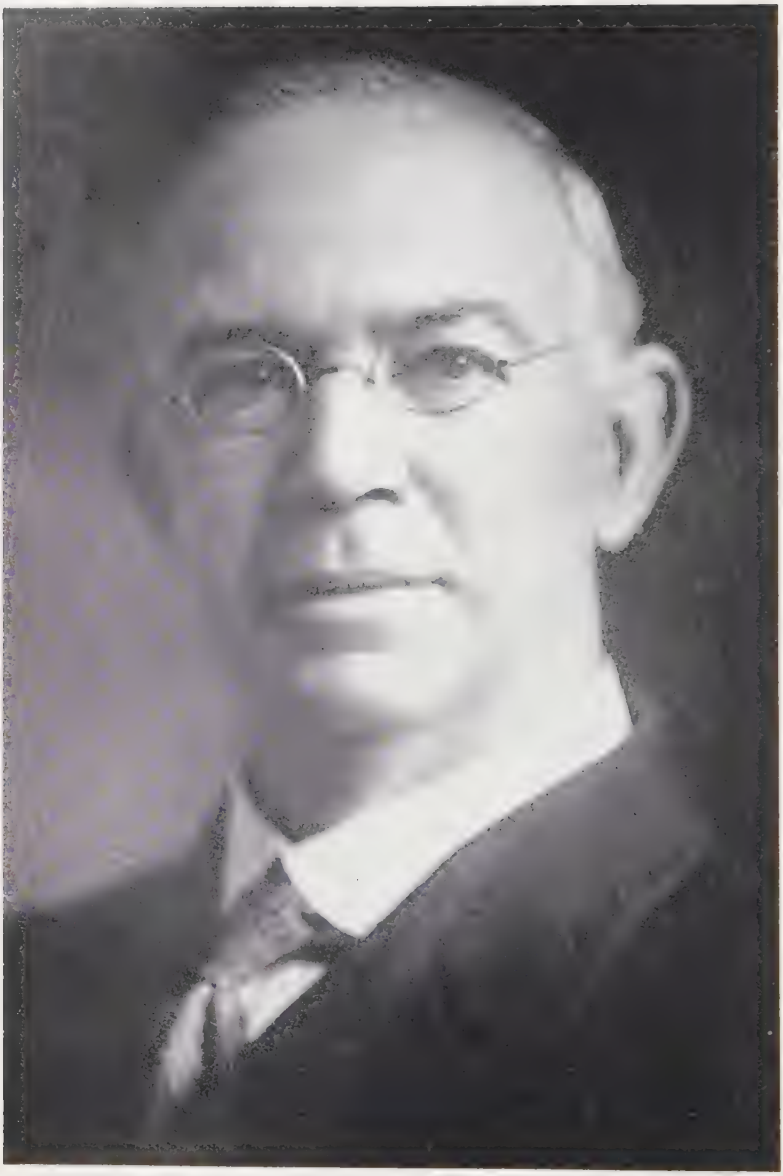
[9] *Loc. cit.*

[10] *Biblical Recorder,* August 21, 1912: "Progress of Prohibition in North Carolina," by R. L. Davis.

[11] *News and Observer,* January 27, 1912.

[12] Kitchin had endorsed prohibition, however, in his Inaugural Address, *Public Documents of North Carolina* (1909), No. 19, p. 5. In his message to the General Assembly, January 5, 1911, he recommended laws against near-beer saloons, and thought that crime had been lessened, *Public Documents of North Carolina* (1911), No. 1, pp. 2-3; *News and Observer,* January 6, 1911.

JOSEPHUS DANIELS



REVEREND R. L. DAVIS

posed a search and seizure law for Asheville, but the law had helped to break up illicit sale and had made the town better morally. "He had the facts, ablebodied, fighting, lusty facts," said the *News and Observer,* "that utterly rout the business argument." Later Reverend Livingston Johnson said, "It is all stuff and nonsense, this talk about prohibition being a failure."[13]

Superintendent Davis reported that prohibition sentiment among the common people was just as strong as in 1908.[14] Since that time he had traveled 30,000 miles, visited 96 counties, and spent $10,282.79. He saw no reason to be discouraged, and he recommended for the next year the adoption of a simple constitution to make the organization of the League permanent, the appointment of an executive committee to work with the superintendent, and the movement of League headquarters from Wilson to Raleigh. Full encouragement to the Federal Webb-Kenyon bill, designed to stop the interstate traffic in liquors, was urged. For a legislative program he recommended that a general search and seizure law be enacted, a mandatory road sentence for violators of the liquor laws be prescribed, and a penitentiary term for all second offenders be imposed. A budget of about $10,000 was deemed necessary for the proper prosecution of the League's work for the coming year. Accepting this report, the convention chose J. A. Hartness, of Iredell, president.[15]

The chief attractions for the general public were the speeches made by prominent National Anti-Saloon leaders, including Dr. P. A. Baker, John G. Woolley, and Congressman Richmond Pearson Hobson.[16] On the last night of the convention, after Hobson had finished a touching oration on the evils caused by intemperance, with the audience temperamentally moved, Superintendent Davis opened his valise and dramatically put six bottles of liquor on the table. These bottles of liquor, he said, had been bought in Raleigh from five different places (which he named), engaged in illegal sales. "This exposure of the whiskey and where it had been obtained," said the *News and Observer,* "produced a profound sensation, a sensation that was startling. Most of the folks in Raleigh had suspicions that certain blind tigers were in existence, but many of them did not know there were so many, or that liquor could be so easily obtained, and they were shocked at the revelation."[17]

Immediately after the convention adjourned, a campaign for law

[13] *News and Observer,* January 28, 1912.

[14] *Ibid.,* January 27, 1912.

[15] In 1910 R. L. Beasley, editor of the *Monroe Journal,* had been elected state chairman to succeed Clarence Poe, who resigned. *North Carolina Christian Advocate,* July 7, 1910.

[16] John G. Woolley was candidate for President on the National Prohibition ticket. Congressman Hobson was one of the most successful of the speakers employed by the Anti-Saloon League of America. From 1914 to 1922, he was paid $171,250 by the Anti-Saloon League of America in fees for his services. R. B. Glenn of North Carolina received $1,590 in 1916 and $700 in 1917 from the same source. Odegard, *op. cit.,* p. 274.

[17] *News and Observer,* January 30, 1912, editorial, "The Disgrace of Raleigh."

enforcement was launched in Raleigh as a result of the exposures of the illegal sales. One operator of a blind tiger, without waiting for further evidence or for indictment, confessed his guilt and asked for mercy. At first the police department tried to discredit Davis and the League, saying that if so much evidence was known it should be brought to the court officials. Defending Davis, the *News and Observer* pointed out that he was not heading a detective agency or a law enforcement bureau, but the purposes of the League were to educate and agitate for total abstinence, for temperance, and for law enforcement.[18] If the officers could not enforce the laws, they should resign. Determined to force the police department to uphold the law, the drys called a "great mass meeting" and passed resolutions demanding that the blind tigers be closed.[19]

Using Raleigh as a model, other towns soon organized campaigns for law enforcement. The League employed Woolley to speak at twenty of the largest towns, from Elizabeth City to Morganton. Everywhere he was received with enthusiasm, and he addressed crowds ranging in number from 300 to 3,000 people.[20] In Charlotte, Davis followed the example set in Raleigh and exhibited eight pints of whiskey sold illegally at three drugstores and five clubs.[21] Public opinion here was less friendly to Davis' campaign methods, and many people resented his dramatic exposures. The municipal officials and particularly the police officers resented being put in the limelight.[22] Nevertheless, his methods produced results, and six months later he reported that Charlotte was a town where neither drugstores nor clubs handled liquor and where blind tigers in any form were no longer tolerated.

The drys did not depend for enforcement upon the display of evidence of illicit sales, in part at least the fault of the police officers; they tried to strengthen other enforcement agencies, especially the courts. They demanded that the court send the people convicted of violating the liquor laws to the chain gang. Finding from experience that the inferior courts refused to do this, the prohibitionists sought to give jurisdiction in liquor cases to the Superior Court.

The campaign for law enforcement in Wilmington illustrated the practices of the drys.[23] After the Recorder's Court consistently refused to punish, the Anti-Saloon League obtained from the legislature a special act by which the Superior Court would have concurrent jurisdiction in such matters. Using this legislation as an entering wedge, the drys nominated and elected the town commissioners. The police appointed by the new town board promptly arrested six people who were known to be

[18] *Loc. cit.*
[19] *Ibid.*, February 9, 1912; *ibid.*, February 1, 1912; *North Carolina Christian Advocate*, February 8, 1912.
[20] *Biblical Recorder*, August 21, 1912.
[21] *Charlotte Observer*, February 5, 1912.
[22] *Ibid.*; *News and Observer*, February 6, 15, 16, 1912.
[23] *Biblical Recorder*, August 21, 1912.

engaged in the illicit traffic. When they were tried before Judge Furguson in the Recorder's Court, they were given suspended sentences on condition that they give bond for good behavior. Blind tigers continued to flourish. But the drys did not give up; for three months they quietly collected evidence against illicit dealers. This time they brought the indictments in the Superior Court, and about thirty people were convicted and fined from $500 to $3,000 each.

As a result of similar activities in other towns Davis was able to report in August that "it is certainly true that the law is being enforced in the State with rare exceptions here and there."[24] In the meanwhile Reverend O. L. Stringfield had been employed as a full-time assistant. These League leaders were busy filling engagements in churches, urging Sunday schools to pledge the boys and girls to total abstinence, inspiring the people to enforce the laws, demanding prohibition legislation by the Federal government, and preaching personal temperance to adults.

The drys anticipated that prohibition would become an issue in the election of 1912. Without waiting for the wets to bring the issue, the prohibitionists openly sought to control local elections. "The churches and temperance forces in this State form a solid phalanx in the Anti-Saloon League movement," declared the superintendent, "and the man who wants office everyhere sits up and takes notice. We are glad to say that in most primaries and conventions of both parties in this State the leaders are wise enough to nominate temperance men."

When Thomas Settle was nominated for governor on a local-option platform by one wing of the Republican party, he emphasized the liquor issue. The Democratic press gleefully pictured Settle "astride a whiskey barrel," and charged that he was "making no issue except the issue of more whiskey."[25] The *Biblical Recorder* said "that a deliberate effort is being made to debauch the manhood of the State by inducing voters to endorse this whiskey plank at the polls in November."[26]

Settle answered his critics by saying that prohibition did not prohibit and that under dry laws blind tigers had sprung up over the state "like mushrooms after rain." Richmond alone, he said, "ships $3,000,000 annually in booze into North Carolina. More than $15,000,000 worth of booze comes into the State annually."[27] All this money went out and nothing came back, was his belief. Many Republicans opposed Settle's

[24] *Loc. cit.*

[25] *Proceedings of the Fifteenth National Convention, Anti-Saloon League of America* (1913), p. 314. Settle polled only 43,625 votes against 107,760 votes cast four years before for J. Edward Cox, Republican candidate. In 1912, however, the Republican party was split. Iredell Meares, Progressive, polled 49,930. Their combined vote was 93,555, about 15,000 less than in 1908; *North Carolina Manual* (1913), p. 1008.

[26] September 18, 1912. "Prohibition is a success in North Carolina. We are not, indeed, entirely free from the liquor curse; but the shackles have been smitten from our body politic. . . . Far from reopening old issues that have been settled and settled right, we need rather to strengthen the law."

[27] *Greensboro Daily News,* October 22, 1912.

saloon plan, and interpreted the "local-option" plank as applicable to county government but not to whiskey.[28]

Commenting upon Settle as a man who "deserved a better fate than that which overtook him in the recent gubernatorial" campaign, the *Greensboro Daily News* claimed that his overwhelming defeat was "eminently just and proper, because the whiskey barrel plank" obscured all others.[29] The Anti-Saloon League actively campaigned against Settle and claimed credit for accomplishing his defeat.[30]

During the same period the League engaged in "a live compaign to line up forces for a search and seizure law and for the passage of the Webb-Kenyon bill in Congress."[31] It called another temperance convention to meet in Raleigh, January, 1913.[32] Local and national speakers declared that prohibition was a success.[33] Resolutions were adopted which claimed that temperance sentiment had grown during the past two years as never before and prophesied that a better enforcement of the law upheld by a healthy public sentiment would "become more and more pronounced each year."[34]

The temperance convention endorsed the Webb-Kenyon-Sheppard bill in Congress and urged laws to limit the shipment of liquor to individuals, and to require express companies to keep for public use a record of these shipments. To break up blind tigers, a search and seizure law was favored. Davis reported that from January 1, 1912, to January 1, 1913, the League had collected $6,703.75. During the previous year it had spent only $3,115.73. For 1913 Davis urged a budget of $10,000.[35]

Under complete domination of the prohibitionists, the legislature of 1913 promptly enacted a law, popularly called a search and seizure law.[36] It forbade the handling of liquor for profit, and prohibited its possession

[28] *Ibid.*, October 21, 1912; *News and Observer*, October 5, 1912; *Democratic Handbook*, 1912, p. 39.

[29] November 8, 1912. "The stupidity displayed in putting that plank in the platform was astounding. It was not characterized by even an amateurish element of political sagacity."

[30] *News and Observer*, September 5, October 27, 1912; *Democratic Handbook*, 1912, p. 39.

[31] *Proceedings of the Fifteenth National Convention, Anti-Saloon League of America* (1913), p. 314.

[32] *News and Observer*, January 30, 31, 1913.

[33] Bishop John C. Kilgo declared, "Prohibition is a grand success." "Looking at a large number of members of the Legislature who were present, he said he had no program but they might remember a man who recently ran on a whiskey barrel and had over 200,000 votes cast against him. The legislators fully understood his veiled threat." *Ibid.*, January 30, 1913.

[34] *News and Observer*, January 31, 1913.

[35] *Ibid.*; see also *Biblical Recorder*, January 8, February 5, 1913.

January 1, 1909 to January 1, 1913

	Receipts	Liabilities	Assets
1909-1910.....	$2,844.76	$ 495.05	
1910-1911.....	3,632.74	663.50	
1911-1912.....	3,115.75	1,138.00	1,345.54
1912-1913.....	6,703.75	1,425.15	5,476.19

[36] *Public Laws of North Carolina* (1913), ch. 44, p. 76.

for sale except by licensed druggists and medical depositories. The law made the possession of more than one gallon of spirituous, three of vinous, and five of malt liquors at any one time illegal. The delivery to a person, firm, or association of more than five gallons of spirituous or vinous liquors, or more than twenty gallons of malt liquors within any four successive weeks was made *prima facie* evidence of law violation. If any person upon oath charged that another person had more than the legal amounts, a search warrant must be issued, the liquor seized, and the person indicted. Transportation companies were required to keep a record of all liquors carried by their companies, including the names of the consignees. This record, if it showed amounts unlawfully received, was *prima facie* evidence of violation.

The drys hailed this law as the most important liquor legislation passed since 1908. "Temperance workers . . . will rejoice," gratefully observed the *Biblical Recorder*, "in the temperance progress that has been made within the past few days."[37] The *News and Observer*, in a red headline, announced, "House says: Blind Tigers Must Go." It added editorially: "The House covered itself with glory last night when it passed the act to enforce the Prohibition Law."[38] Its passage in the House by a 70 to 14 vote and in the Senate by an almost unanimous vote did not mean that opposition was lacking; it meant rather that the Democratic party was back of the measure.[39] Previously Governor Kitchin had recommended it.[40]

Two days after the enactment of the search and seizure law Congress enacted the Webb-Kenyon act, which was designed to protect dry territory by making the shipment of liquor from wet to dry states illegal.[41] President Taft vetoed the measure on the ground of unconstitutionality, but it was passed over his veto and became effective on March 1. Because Congressman E. Y. Webb of Shelby had introduced and sponsored the legislation, the drys in North Carolina regarded the Webb-Kenyon act almost as a local law. Agitation for it had been extensive in North Carolina.[42]

Despite the abolition of the saloons and the legislation against the blind tigers, liquor continued to flow. Doctors' prescriptions were none too difficult to get, and the sale at drugstores multiplied; and purchases made outside of the state, called jug traffic, flourished. The prohibitionists

[37] *Biblical Recorder*, March 5, 1913. "It is exceedingly gratifying to report this law. Much of the credit is due Hon. W. H. Weatherspoon who had charge of the bill in the House, and Hon. F. P. Hobgood, Jr., who had charge of it in the Senate."

[38] *News and Observer*, February 15, 1913. "The night session was the most exciting and spectacular yet held since the General Assembly convened. Rep. Kellum of New Hanover led the fight against, T. C. Bowie from Ashe and Walter Murphey from Rowan spoke against the bill; ex-speaker Doughton and others spoke for it."

[39] *Ibid.*, March 1, 1913.

[40] *Ibid.*, January 10, 1913.

[41] *Ibid.*, March 2, 1913.

[42] *Ibid.*, January 27, 1912, January 26, February 6, March 3, 1913; *Biblical Recorder*, February 5, March 5, 1912.

found from experience that a strict enforcement of the law against blind tigers was the signal for increased jug traffic and drugstore sales. Enforcement of the law against the two latter sources made blind tigers more numerous. Thereupon the League determined to stop all shipments from neighboring states, notably Virginia. If such a law could be passed, the state would have the full protection of the Federal Webb-Kenyon act.

Early in 1914 the executive committee agreed to throw the League's influence behind an anti-jug law.[43] "That it will take a hard fight to bring this about," said the *News and Observer,* "is certain, and this is recognized."[44] County prohibition organizations were perfected, and a drive for a campaign fund of $15,000 started.[45] "Temperance Days" were held in churches, speeches or sermons on temperance were delivered, petitions were passed for signatures, and contribution pledge cards distributed. The League encouraged its leaders in counties and towns to demand that both political parties nominate local candidates who were prohibitionists. Usually this could be done quietly by threats made to the party leaders.[46] A third strategy of the League was to gather statistics on the shipment of liquor to drugstores. The Seaboard Railway Company refused to open its books for inspection, but the Southern Railway Company did, and the facts discovered showed that the amount of "whiskey shipped into Raleigh has been amazing."[47] Finding much of the liquor incorrectly reported, the drys publicized their findings to justify new laws.

Unexpectedly the drys received valuable recruits in the North Carolina Medical Society and the North Carolina Pharmaceutical Society. Chafing under the prescription racket, Dr. James M. Parrott, president of the Medical Society, charged that liquor had taken refuge behind the cloak of the doctors. "Knowing the high regard in which our profession is held," he said, "in this hour of its extremity it shields itself behind the medical profession and cries 'Intoxicants are good medicines and the doctors prescribe it.' "[48] Denying that liquor was a medicine, Parrott earnestly urged the Society to go on record as opposed to the sale of liquor even by prescription. The Society unanimously passed a resolution declaring that liquor was no longer needed as a medicine,[49] and

[43] *News and Observer,* January 30, 31, 1914.
[44] *Ibid.,* January 31, February 4, 11, March 4, 1914.
[45] *Biblical Recorder,* February 11, 1914.
[46] *Proceedings of the Sixteenth National Convention of the Anti-Saloon League of America* (1915), p. 478.
[47] *News and Observer,* January 8, 1914; see also January 16, 24, 28, 1914. Statistics on sale in Hamlin's store: "In nine months he filled 3,990 whiskey prescriptions, 555 beer, 26 gin, 50 wine, 14 brandy, but reported 255 to city and 320 to the investigators for one month. . . . He [Davis] charged that from May 31 to November 6, 835 gallons were shipped to Oberlin Drug Store. He said 79 of Dr. Thornton's prescriptions amounted to 118 pints and that August 2, Dr. Thornton gave Charles Niggs a prescription that called for 36 bottles of beer." *Ibid.,* January 16, 1914.
[48] *Ibid.,* January 8, 1914; see also *ibid.,* January 16, 23, 24, 28, 1914.
[49] *Transactions of the Medical Society of North Carolina* (1914), p. 23; *Proceedings of the Sixteenth National Convention of the Anti-Saloon League of America* (1915), p. 478.

memorialized the legislature to prohibit its sale by physicians' prescriptions at drugstores.[50]

The League promptly amended its program to correspond with the recommendation from the Medical Society. Again a temperance convention was called, which met January 13 and 14, to organize for the legislative battle. With about 200 delegates present from 67 counties, the convention unanimously passed resolutions which embodied the League program.[51]

The fight in the General Assembly was characterized as "terrific."[52] Backed by the League, religious denominations, the Farmers' Union, the North Carolina Teachers' Assembly, the North Carolina Pharmaceutical Association, the Medical Society, and others, the anti-jug bill was introduced in the House by Representative H. Grier, on January 29.[53] It was favorably reported, and passed the House 100 to 6.[54]

The arguments of the wets centered around the likely effect of the bill upon the Democratic party. They said it would kill that party. The League forces, on the other hand, threatened members with the vote back home. Resentfully one member, explaining his vote, "lambasted Rev. R. L. Davis . . . in words that could not be misunderstood." He declared that Davis was a lobbyist of the most active kind and had for weeks been buttonholing members. "Oh! he cried, as he closed, 'His activities are sickening.' "[55]

Formidable opposition arose in the Senate, and the bill was discussed, postponed, and discussed again. Only after an amendment providing for a popular referendum on the measure did the Senate by a vote of 43 to 5 pass it.[56] The House refused to concur, and the bill went to a conference committee, which, in lieu of the original bill, reported a bill "to restrict the receipt and use of intoxicating liquors." The compromise was unanimously accepted by the Senate,[57] and by the House with only one dissenting vote.[58]

The new law did not provide for the anti-jug feature, but it reduced the amount that the "jug" might contain. By it one could order not more

[50] *Transactions of the Medical Society of North Carolina* (1914), p. 121.
[51] *Proceedings of the Sixteenth National Convention of the Anti-Saloon League of America* (1915), p. 478.
[52] *News and Observer,* January 13, 14, 1914. "North Carolina is a prohibition State in name only," and "84 per cent of the crime of North Carolina is due entirely to liquor," statements made by Rev. J. L. Murphey and Dr. J. M. Parrott, respectively, which were said to be the most significant of the convention. *Ibid.,* January 13, 1914.
[53] *Biblical Recorder,* March 10, 1915.
[54] *Journal of the House* (1915), p. 454. An amendment to submit the issue to a popular referendum had been defeated by a vote of 80 to 31; *ibid.,* p. 453; see also *News and Observer,* February 23, 1915.
[55] *News and Observer,* February 20, 1915.
[56] *Journal of the Senate* (1915), March 2, p. 540. The vote on the referendum was 26 to 22. *News and Observer,* March 3, 1915.
[57] *Journal of the Senate* (1915), p. 623.
[58] *Journal of the House* (1915), p. 837; *News and Observer,* March 6, 1915.

than one quart of spirituous liquor or wine and five gallons of beer or malt liquor during any fifteen days.[59] Any drink of more than five per centum alcohol was defined as spirituous. Another law, designed to break up blockading and illegal sales, was enacted during this session.[60] It prohibited the manufacture and sale of malt and prohibited drugstores from handling liquor as a medicine. Still another act provided for the seizure and sale of any automobile, horse, or vehicle used to convey liquor illegally.[61]

The *News and Observer,* a strong supporter of the original anti-jug bill, said that the new law was an eighty-seven and one-half per cent better measure than the former law.[62] Davis admitted it was not all asked for but praised the compromise as an important step forward, "a splendid act."[63]

In preparing for its next legislative battle, the League held in January, 1917, its customary biennial convention.[64] More than 350 delegates representing all except 39 counties attended. The chief attraction was a speech by William Jennings Bryan. The convention approved three resolutions, calling for the creation of the office of Prohibition Commissioner, the enactment of an "ouster" law under which local officials who failed to enforce the liquor law might be removed from office, and the passage of a "bone-dry" prohibition law limiting a person to two quarts of liquor per year, an amount determined upon as liquor for medical purposes only. At the same time, the convention gave strong endorsement to national prohibition.[65]

The legislature of 1917 was less inclined than its predecessors to pass additional prohibition laws. About the only advancement, a comparatively minor matter, was a law to make manufacturing of liquor a felony.[66] At the close of the session, Davis sorrowfully reported that "we discovered in the early part of the session that there were very few, if any, members . . . who stood ready to champion our cause. Our cause suffered because leaders of influence were not active for it, while the activities of the opponents were present and emphatic."[67]

The chief leader of the opponents of prohibition in the legislature of 1917 was Walter Murphey, Speaker of the House, who for many years had been active against dry laws. The League charged that he used his official position to kill prohibition bills. The drys said that he added wet

[59] *Public Laws of North Carolina* (1915), ch. 97, p. 140.
[60] *Ibid.,* ch. 91, p. 115.
[61] *Ibid.,* ch. 197, p. 273.
[62] March 5, 1915; see also "North Carolina Goes Forward." *Ibid.,* March 6.
[63] *Ibid.,* March 6, 1915; *Biblical Recorder,* March 10, 1915.
[64] *News and Observer,* January 15, 16, 17, 1917; *Biblical Recorder,* January 24, 1917.
[65] *News and Observer,* January 17, 1917.
[66] *Public Laws of North Carolina* (1917), ch. 157, p. 310. The next legislature amended this act to make it apply only to second and subsequent offences.
[67] *News and Observer,* March 11, 1917.

members to committees which were considering liquor laws. He was accused of causing confusion and misunderstanding regarding time for debate and vote on prohibition bills. Referring to Bill Number 968, the *News and Observer,* for example, reported "it died, under the thumb of Speaker Murphey, who is responsible for killing it."[68]

Prohibition received a tremendous boost when the Congress enacted the Reed Amendment to go into effect July 1, 1917. This law was sponsored by the wets and was designed to kill prohibition by making it unpopular. By it the shipment of liquor into any territory was prohibited where its manufacture or sale was illegal.[69] The Jones Amendment applied the same principle to the use of the mails for liquor advertisements.[70]

"This may seem drastic, but should prove effective," commented the *Biblical Recorder,* "and no matter now what motive inspired it or what influence enacted it, it is really the very thing which all real prohibitionists desire."[71] The law was "hailed by temperance advocates as the greatest single step toward abolition of the liquor traffic yet taken in the nation's history."[72] The *News and Observer* believed it gave the "first real opportunity in this State for a test of genuine prohibition," which had come "with a swiftness for North Carolina not dreamed of a few days ago."[73] All fully understood that these measures had been introduced by the wets to make prohibition odious.

The drive for national prohibition gathered momentum. In November, 1918, war-time prohibition was enacted which made illegal the sale of all liquors in the United States from June 30, 1919, until the close of the war and demobilization.[74] The Eighteenth Amendment, submitted to the states on December 22, 1917, was ratified by the necessary states on January 16, 1919, and went into effect one year later.[75] The National Prohibition act, popularly called the Volstead Act, to enforce the amendment passed Congress in the fall of 1919. Vetoed by President Wilson, October 27, it was immediately repassed over his veto. In 1921 a Supplementary Prohibition act was added. In the meanwhile, on January 16, 1920, federal prohibition under the constitutional amendment went into effect.[76] For the law and the amendment the prohibitionists in

[68] *Ibid.,* March 11, 1917; see also *ibid.,* February 8, 10, 13, 17, 21, March 2, 1917.
[69] *News and Observer,* February 22, 1917; see also *ibid.,* January 2, 4, 8, 21, July 1, 3, 1917. Reed Amendment: "Whoever shall order, purchase or cause intoxicating liquors to be transported in interstate commerce, except for scientific, sacramental, medical, or mechanical purposes into any state or territory, the law of which State or territory prohibits the manufacture and sale therein of intoxicating liquors for beverage purposes, shall be punishable by a fine of not more than $1,000 or imprisonment not more than six months, or both, and for any subsequent offense shall be imprisoned not more than one year." *Ibid.,* February 22, 1917.
[70] *Loc. cit.*
[71] February 28, 1917.
[72] *News and Observer,* July 1, 1917.
[73] February 22, 1917.
[74] Colvin, *Prohibition in the United States,* p. 446.
[75] *Ibid.,* p. 448.
[76] *Ibid.,* p. 450.

North Carolina worked enthusiastically and wholeheartedly. A steady stream of letters and petitions went to members of Congress.[77]

On January 10, 1919, the North Carolina Senate ratified the Eighteenth Amendment unanimously, without a roll call, and the House, on January 14, by the vote of ninety-three to ten, seventeen members being absent or not voting.[78] North Carolina was the twenty-eighth state to ratify. Several speeches were made in the House. "A member sounded the last note of oratory over the dead body of 'John Barleycorn,'" reported the *News and Observer,* "and as champion of State's rights asserted that ratification of the amendment foreboded the crucifixion of the Democratic party in North Carolina."[79] Championing fervidly the pet hobby of the antis, the right of local self-government, the reporter wrote, "Others [were] to join in the chorus, and a chorus it was that sobbed with its singing."

The North Carolina drys again were generally unsuccessful with their legislative program in 1919 and in 1921. Both the Marshall bill for a state enforcement organization and the ouster bill were defeated,[80] the latter having previously been recommended by Governor Thomas W. Bickett.[81] In 1921, they succeeded in having passed an act to provide for temperance and law-and-order day in the public schools.[82] At the same session an act to prevent public drunkenness was ratified, which made it unlawful for any person to be drunk *and* disorderly in public.[83]

Two years later, in 1923, an act written by Judge Heriot Clarkson to make the state laws conform to the national law in relation to intoxicating liquors, generally called the Turlington Act, was placed on the statute books.[84] Like the Volstead law, it defined the intoxicating liquors as beverages containing one-half of one per centum or more of alcohol by volume. To manufacture, sell, barter, transport, import, export, deliver, furnish, purchase, or possess intoxicating liquor, with a few exceptions, was declared illegal.[85] Its possession was declared to be *prima facie* evidence of keeping for sale, "but it shall not be unlawful to possess liquor in one's private dwelling while the same is occupied and used by him as his dwelling only, provided such liquor is only for the personal consumption of the owner thereof, and his family residing in such dwelling, and his bona fide guests."[86] Thus the procuring of liquor was illegal, but once in the home for private use it was lawful.[87] Liquor for non-beverage purposes and wines for sacramental purposes were excepted.

[77] *Biblical Recorder,* June 16, 1915, April 11, 1917, January 9, 1918, February 4, 1920; *News and Observer,* January 9, 16, 17, February 2, 4, May 16, 1917, January 8, 17, 18, 1919.
[78] *News and Observer,* January 11, 15, 1919.
[79] January 15, 1919.
[80] *Ibid.,* February 6, 1919.
[81] *Ibid.,* January 10, 1919.
[82] *Public Laws of North Carolina* (1921), ch. 225, p. 511.
[83] *Ibid.* (1921), ch. 211, p. 503; *Greensboro Daily News,* February 28, 1923.
[84] *Ibid.* (1923), ch. 1, p. 55.
[85] *Loc. cit.*
[86] *Ibid.,* sec. 10, p. 58.
[87] *Greensboro Daily News,* February 28, 1923.

The Turlington Act superseded former general liquor laws, but not local enactments. Advertisements in any way connected with liquor were forbidden, transportation companies were required to keep a record of liquor shipments, and the place of delivery was specified as the place of sale.[88] The law dealt in detail with search warrants, arrests, subpoena of witnesses, duties of officers, destruction of liquor, and disposal of conveyances, all of which greatly clarified and strengthened agencies entrusted with enforcement. Violations were declared to be misdemeanors, punishable by imprisonment or fine or both.[89] On March 1, 1923, the law went into effect.

North Carolina had at last by its own laws become a bone-dry state. Reviewing conditions at about this time, Louis Graves correctly wrote in the *World's Work:* "There is no prohibition issue in North Carolina. The affair is settled. If a vote were taken on the question today the dry majority would be far greater than it was when the wets and drys lined up against each other for their state-wide fight in 1908."[90]

With the general political acceptance of prohibition as a state policy, the liquor problem had entered a new phase—enforcement. More important, the philosophy of the anti-saloon crusaders had shifted from offense to defense, condemnation to justification, and have-nots to haves. These new responsibilities, along with the old driving attack on the evils of drunkenness, were great, difficult, and confusing.

[88] *Public Laws of North Carolina* (1923), secs. 3-4, p. 56; sec. 15, p. 59; sec. 8, p. 57.

[89] *Ibid.*, sec. 27, p. 62; second offense for manufacturing was made a felony, sec. 26, p. 62.

[90] Louis Graves, "Adventures in Prohibition." *World's Work,* XLI (1920), 64-68.

CHAPTER XII

ENFORCEMENT

In the field of enforcement of prohibition in North Carolina two or three major considerations must be kept in mind. When the Federal anti-shipment law, the Reed Amendment, went into effect July 1, 1917, liquor was being legally brought into the state, a person being limited to a quart each fifteen days. Although there were certain safeguards, such as its being unlawful to use the name of another and the requirement that transportation companies open their books for inspection, no one would claim that the law was always enforced. Fictitious names and names of deceased persons were available and, of course, used.[1]

After national prohibition became effective repeated but unsuccessful efforts were made by prohibitionists to secure enforcement under a commissioner at least. These puny efforts, for one reason or another, were unsuccessful. The Federal government should enforce the law, said some, because it had the power and the money. Others, less enthusiastic, correctly divined that in case of a reaction against prohibition the Democratic party within the state would be spared the blame. Despite the overwhelming prohibition sentiment in North Carolina, the enforcement and administration of the liquor laws came largely from the Federal authorities.

Three agencies in North Carolina had a part in enforcement, namely, the Anti-Saloon League, the state government, and the Federal government. The first was an unofficial, loosely organized, charity organization engaged in temperance and prohibition propaganda and in "pressure politics." Non-partisan and interdenominational, it was an organization largely of church-going people who sincerely wished to remedy the evils of the liquor traffic. Almost always, certainly until 1928, its representatives were welcomed to the churches, and in many places their coming was an extraordinary occasion. Church organizations and church "politics," especially the Methodist and Baptist, stood squarely behind it. Perhaps the Methodist Church and its individual ministers were most militant.[2]

Until he resigned in 1925, Reverend R. L. Davis, a member of the Methodist Church,[3] was superintendent and controlled the League. In the minds of many people he had been for fifteen or twenty years the League.[4] Working under him was at least one assistant superintendent

[1] *News and Observer,* January 28, 1914. February 10, 1917, February 26, 1919 *Biblical Recorder,* January 23, 1918, April 19, 1922.

[2] Statement made by C. A. Upchurch in interview with author, July 11, 1941.

[3] *Biblical Recorder,* October 7, 1925. Davis died in 1929; see *News and Observer* September 5, 1929.

[4] Commonly called "Rye-Liquor Davis," he was a big, two-fisted, tactless, fear-

The biennial convention was the final authority, but an executive committee usually rubber-stamped the superintendent's plans, a practice which made the convention little more than a publicity affair. Legislative control, however, came from influential leaders of the Democratic party, including Heriot Clarkson, Josephus Daniels, E. Y. Webb, F. M. Simmons, and others, some of whom were not even members of the League. The most important Republican leader was Jeter C. Pritchard, but his power was limited largely to his devotion to "the cause." Although non-political in public avowals, the "understandings" between the League and the Democratic party were appreciatively based on mutual respect for services rendered. Coöperation between them continued until 1928, when, through the fault of neither, they parted company.

A charity organization, the League depended upon small free-will contributions of churches and church members, usually ranging in amounts from one cent to one dollar, and upon a system of pledge cards distributed in churches by which members made a small monthly contribution. A considerable part of the League's effort was taken up with getting and collecting pledges. From ninety to ninety-five per cent of its money came from cash collections or pledges after a temperance address or sermon had been delivered; less than ten per cent came from wealthy men. The latter usually mailed their contributions on corporation checks, and these gifts could be called either corporation or individual.[5] All told, about 4,000 people were listed as regular contributors.

The receipts were never large except for one or two years, and the plea for funds was earnest and constant. By 1915 the contributions had not reached $10,000, but by 1920, the peak year, $29,246 was collected. From 1911 to 1919, the amount collected was $62,307,[6] and from 1920 to 1925 it was $105,740, a yearly average of $17,623.[7] From 1926 to 1928, collections amounted to about $1,000 per month, but 1929 marked the beginning of decline, and 1931 a rapid decline.[8] At times the League was heavily in debt, at one time as much as $20,000.[9] From 1903 to the middle of the thirties, the League must have collected and spent almost a quarter of a million dollars.

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less, blunt-spoken, "bull-headed" man, but was honest, devoted, capable, and enthusiastic. Despised but feared, cursed but avoided by his enemies, he never asked for nor gave quarter. Threatened often, he was once arrested and convicted, having been charged falsely with hitting a man over the head with a whiskey bottle. He was given a full pardon when his innocence was established. "Affidavits about the arrest of R. L. Davis," R. L. Davis MSS in possession of Mrs. Mary Elizabeth Thomas, Raleigh, N. C.; Personal interview with Bryan G. Davis by author, July 12, 1941, Raleigh, N. C.; Letter, Mrs. Marriotte D. Maness, Raleigh, N. C.

[5] Odegard, *op. cit.*, pp. 272-273. [6] *Loc. cit.* [7] *Ibid.*, p. 200.

[8] "Receipts and Disbursements for the Years 1926-1930," MS in possession of C. A. Upchurch, Raleigh, N. C.: 1926, $11,771.79; 1927, $10,520.42; 1928, $11,020.55; 1929, $6,962.92; 1930, $4,431.23.

[9] "Memorandum for Board of Directors, April 1, 1932," MS in possession of C. A. Upchurch, Raleigh, N. C. Davis had incurred that indebtedness; Upchurch later also got heavily in debt.

In no way was the state organization a part of the Anti-Saloon League of America, although from about 1917 coöperation between them was extensive and genuine. Usually the latter succored the state society with speakers, with publications, such as the *American Issue,* with printing, which was always done at cost, with money loans, and even with straight-out gifts, if its funds were flush. Rarely did the national order solicit money in the state; North Carolina was looked upon as "missionary territory."[10]

Enough has been said to show that the League tried to help enforce the liquor laws. In 1918, fully three-fourths of the time of its officials and two-thirds of the money collected were given to the matter of law enforcement.[11] Because agitation for new laws required publicity, many people knew little of the enforcement activities, from their very nature carried on secretly. Faulty laws, corrupt officials, and dead or unorganized public sentiment were regarded as proper spheres of activity. In no wise was the League a detective agency or administrative bureau of the government; all of its work was extra-governmental. The annual and often semi-annual rounds of temperance or field days, during which all churches in a given county were used as a public forum for prohibition and law enforcement, kept the issue alive. This form of grass-root campaigning gave to the prohibition movement its sustained political power, a power that both compelled and encouraged some local enforcement.

What did the state do for enforcement? Here again some of the trends have already been suggested. In the first place, except in a very general sense, the *state* had no enforcement agencies. The laws were passed for the entire state, but their enforcement depended upon the county sheriff, who was elected by popular vote usually for two years and who had four main duties—the maintenance of peace, serving court processes, keeping the county jail, and collecting taxes. Although the great majority doubtless were honest, conscientious public servants, they had, except in rare cases, neither training, experience, time, nor power to cope effectively with the unorganized liquor traffic violations, to say nothing of the organized rum-runners directed by intelligent men and backed by wealth. In many counties, through no fault of theirs, sheriffs were soon faced with an organized group of bootleggers who forced concessions from candidates in the elections, both primary and general. In addition, the sheriff was confined to a local area, a "horse and buggy" area. A few counties had special police, but they were usually instructed to let other agencies enforce the liquor laws. The town police were very little better qualified to cope with the illicit traffic, being concerned chiefly with the maintenance of order.

But this is not all. The courts were still the leisurely, disjointed system established piecemeal to deal with crime of a more fixed or perma-

[10] Statement made by C. A. Upchurch in interview with author, July 11, 1941.
[11] *Biblical Recorder,* January 23, 1918.

TABLE I. STATE ENFORCEMENT

NUMBER OF CONVICTIONS IN NORTH CAROLINA INVOLVING VIOLATIONS OF THE LIQUOR LAWS AND NUMBER OF CONVICTIONS FOR ALL CRIMES, 1897-1940

Year	Superior Court Convictions			
	For Retailing	Selling to Minors	Selling on Sunday	All Crimes
1897	426	27		
1898	413	16		
1899	505	31	13	
1900	537	43	14	
1901	670	38	20	8,309
1902	773	3	20	9,301
1903	699	9	15	9,851
1904	835	24	44	9,633
1905	1,044	17	11	9,584
1906	1,222	5	17	10,117
1907	1,058	21	13	10,223
1908	1,327	6	1	10,680
1909	1,501	4	3	12,149
	State Prohibition			
1910	1,349	0	2	9,505
1911	1,278	8	1	9,371
1912	1,594	2	1	9,482
1913	1,812	0	0	10,410
1914	1,882			11,099
1915	1,403*			9,830
1916	1,403			9,629
1917	1,498			8,881
	Reed Amendment and later Volstead act			
1918	1,017			7,681
1919	1,011			7,527
1920	1,263			9,285
1921	1,600			10,749
1922	2,004			10,811
1923	2,753			11,813
	Turlington act			
1924	4,322			14,321
1925	4,480			14,706
1926	4,927			15,153
1927	4,288			13,982
1928	4,771			15,407
1929	5,307			16,810
1930	4,379			15,732

Year	Superior Court Convictions		Courts Inferior to Superior Court	
	Liquor Law Violations	All Crimes	Liquor Law Violations	All Crimes
1931	3,775	15,451	5,338	12,019
1932	3,374	15,181	7,656	18,757
1933	2,881	13,983	7,095	18,084
	Repeal of Federal Prohibition			
1934	2,957	13,961	10,409	22,859
1935	2,970	14,036	11,695	26,601
	Legal Sale of Liquor in Seventeen Counties			
1936	2,812	13,785	13,459	30,950
1937	2,754	13,243	14,489	32,242
	State-wide Local Option			
1938	2,761	13,743	11,422	26,734
1939	1,724	13,069	9,120	25,741
1940	1,595	12,212	7,806	22,471

Data Compiled from the Reports of the Attorney General of North Carolina, 1897-1940.

*Listed as Liquor Law Violations thereafter.

nent type, such as affrays, murders, and the larceny of property. Granting the personal integrity of the court officials—sheriffs, solicitors, justices of the peace, petit and grand jurors, and judges, granting their unimpeachable honesty, and assuming always that they were governed by their oath of office, the fact remains that from crime to punishment many steps

had to be taken. For illustration, if the bootlegger, great or small, was arrested by the sheriff, he had to be given a hearing in an inferior court that was largely responsible for its rulings within "the majesty of the law" to a vague, uninformed public opinion, the judge's or the magistrate's conscience, and to God. Through the whole hierarchy of court procedure, there were agencies that neither had nor could get effective responsibility for quick final action. Even when the law ordered the accused to be tried in the more capable Superior Court, judges were led to impose road sentences only after prolonged agitation by the League and others.

Unfortunately crime statistics in North Carolina, especially of prohibition violations, were unkept and little valued.[12] There were reports of the attorney general which gave the number of actions disposed of in the Superior Court, but these summaries were without details or guides for any more than a very general interpretation. The accompanying Table I

[12] About the only scientific study of liquor violations in North Carolina was made from the court records of Durham and of Person County. The number of cases studied was too small and their distribution too restricted for any state-wide generalizations, said the investigator.

CITY OF DURHAM

In the City of Durham the municipal records covering four years, 1922-1926, were examined. During this period there were 4,481 court actions in which liquor was involved, and these actions accounted for 55 per cent of all actions (p. 131). About 40 to 45 per cent of all the liquor law offenders were involved in other offenses (p. 131).

Causes of arrests in which liquor was involved (Durham) (p. 3):

Drunkenness	2,714	60.56%
Driving car intoxicated	221	4.93
Illegal possession	1,403	31.31
Manufacturing	20	.45
Transportation	38	.85
Miscellaneous	85	1.90
Total	4,481	100.

Per cent occupational distribution of persons arrested for violation of all liquor laws (according to population) (p. 60):

Rank	Occupation	Total	White	Negro
1	Unskilled	61.96	50.59	79.89
2	Skilled	15.41	22.30	4.41
3	Nothing	8.67	8.89	8.30
4	Farming	5.24	6.23	3.66
5	Commercial	3.41	5.20	.58
6	Transportation	1.44	1.80	.87
7	Student	1.15	1.88	.00

White people constituted about two-thirds of the total population of 21,719. They were responsible for 60.8 per cent of the total number of offenses (p. 40). Seventy per cent of all the liquor offenses committed during the four-year period were disposed of with fines, 8.1 per cent with road sentences, 2.6 per cent by workhouse sentences, and 15.3 per cent were unsentenced (p. 98).

PERSON COUNTY

In Person County the farmers committed 89 per cent of the 135 total liquor offenses from August 1, 1925 to January 1, 1927. Of the farmers convicted for liquor law violations, 88.1 per cent were tenants and 11.9 per cent were land owners (p. 136). See Clyde V. Kiser, Liquor Law Violations in Durham and Person Counties, 1927. Typescript at the University of North Carolina.

TABLE II. FEDERAL ENFORCEMENT

STATEMENT OF ARRESTS, SEIZURES, ETC., OF FEDERAL INTERNAL REVENUE COMMISSIONER AND PROHIBITION DIRECTORS AND AGENCIES IN NORTH CAROLINA
(Fiscal Year Ending June 30)

Year	Illicit Distilleries and Distilling Apparatus Seized				Amount Seized (in wine gallons)						Automobiles Seized		Property Seized (value)		Persons Arrested
	Distilleries	Stills	Still worms	Fermenters	Spirits	Malt liquors in wine gallons	Wine	Cider	Mash	Pomace	Number	Value	Destroyed	Not Destroyed	Number
1877	.....	598	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1,174
1879	.....	1,319	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2,924
1886	.....	206	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	42
1896	.....	453	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	$ 76,548	.....	144
1905	.....	251	.....	.....	56,735	.....	.....	.....	.....	.....	.....	.....	28,536	$218,599	30
1906	.....	460	.....	.....	12,665	.....	.....	.....	.....	.....	.....	.....	32,852	3,661	28
1907	.....	648	.....	.....	5,359	.....	.....	.....	.....	.....	.....	.....	24,022	75,094	42
1908	.....	592	.....	.....	11,223	.....	.....	.....	.....	.....	.....	.....	24,817	.....	44
1909	.....	586	.....	.....	2,423	.....	.....	.....	.....	.....	.....	.....	16,749	11,037	44
1910	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1911	290	672	.....	.....	1,025	.....	.....	.....	.....	.....	.....	.....	21,612	85,782	62
1912	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1913	446	282	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	12,715	.....	17
1914	612	585	.....	.....	598	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1915	813	780	.....	.....	439	.....	.....	.....	.....	.....	.....	.....	49,336	.....	.....
1916	948	910	.....	.....	822	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1917	763	701	.....	.....	1,141	.....	182	.....	.....	.....	.....	.....	52,486	.....	.....
1918	814	753	.....	.....	293	.....	1,240	.....	.....	.....	.....	.....	64,804	.....	.....
1919	1,534	1,473	.....	.....	463	.....	.....	.....	.....	.....	.....	.....	157,201	.....	.....
1920	3,104	3,104	.....	.....	4,796	.....	50	.....	.....	.....	.....	.....	283,152*	.....	.....
1921	2,287	1,551	941	14,334	8,528	1,204	.....	.....	.....	.....	.....	.....	461,869*	.....	1,036
1922	1,400	166	192	12,933	7,353	1,174	.....	.....	.....	.....	60	.....	356,756	60,542	659
1923	1,393	154	177	11,881	14,871	1,113	3,910	3,665	.....	28,886	174	53,129	467,278	60,213	867
1924	780	960	224	11,731	13,768	1,068	3,827	1,159	.....	8,277	133	34,287	421,932	72,289	662
1925	839	1,917	686	18,340	18,272	1,512	4,907	3,721	300,400	22,420	219	70,520	758,860	76,883	1,231
1926	1,884	753	586	16,843	18,856	1,721	3,701	300	.....	9,310	216	69,111	649,125‡	49,292‡	1,056‡
1927	1,824	454	387	16,069	19,149	867	2,846	467	.....	37,235	189	67,240	762,908	70,131	1,167
1928	1,841	1,036	366	12,694	18,228	288	1,274	900	.....	1,730	157	59,174	693,455	62,764	1,213
1929	1,998	326	154	14,798	20,924	287	4,927	512	1,611,083	.....	206	68,290	871,591	70,074	1,541
1930	2,441	58	143	14,252	17,274	47	1,072	1,455	1,670,300	.....	272	83,581	674,690	84,206	1,830
1931	2,532	.....	.....	.....	14,961	1,978	460	550	1,483,814	.....	176	45,505	477,613	3,072	1,929
1932	2,436	.....	.....	.....	22,129	285	689	.....	1,509,065	.....	296	65,010	304,823	.....	2,327
1933	1,330	.....	.....	.....	25,710	219	9	.....	826,101	.....	387	61,675	144,276	773	1,503
1934	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1935	941	.....	.....	.....	25,660	.....	100	.....	1,646,309	.....	106	.....	69,640	.....	1,016
1936	1,341	.....	.....	.....	23,426	.....	.....	.....	1,666,795	.....	183	.....	237,143	31,504	859
1937	1,444	.....	.....	.....	27,853	.....	.....	.....	1,691,892	.....	260	.....	323,553	.....	1,134
1938	911	.....	.....	.....	27,946	.....	.....	.....	826,345	.....	427	.....	169,648	.....	1,703
1939	1,202	.....	.....	.....	29,987	.....	.....	.....	845,670	.....	272	.....	188,445	.....	2,184
1940	1,113	.....	.....	.....	26,189	.....	.....	.....	.....	.....	502	.....	174,672	.....	2,456

*Property seized. ‡September 1925 to June 30, 1926.

Sources: Compiled from Annual Report of the Commissioner of Internal Revenue; Commissioner of Prohibition; Commissioner of Industrial Alcohol; Attorney General of the United States.

shows that convictions for retailing and for violations of liquor laws in the Superior Court gradually increased from 1900. This could mean that the illicit traffic increased; it could just as easily mean that enforcement was better. The increase in convictions during the years may be attributable, in part, to the League's campaign for law enforcement. So-called state prohibition did not have any very significant influence away from the general trend. After 1920, under Federal prohibition, the swing was unmistakably upward, the number of convictions increasing by 1929 more than three or four times. After Federal repeal, the decline in the Superior Court was rapid, but the inferior courts reported an increase until 1938. Since that time, under local option within only about twenty-seven counties, a decline took place in all courts. The total number of convictions for all crimes did not vary greatly during the period from 1923 to 1940.

The Federal government did have, on the other hand, an enforcement organization—many would say a fairly efficient organization. Table II gives a summary of its activities in North Carolina. An examination of its data will reveal no very significant trends except that all liquor laws were difficult to enforce. In 1919, there were 1,534 distilleries seized; in 1928 there were 1,841; and in 1940, after repeal, 1,113. The total number of persons arrested in 1921 was 1,036, and in 1928 only 1,213; but in 1940 the number had increased to 2,456.

As early as 1914 the commissioner of internal revenue said: "Bootlegging is principally carried on in States operating under local prohibition laws, and appears to be one of the hardest propositions that the revenue officers are called on to solve."[13] Then he added: "As the various States vote 'dry' the operations of the bootlegger grow larger."

The internal revenue collector for the eastern counties, J. W. Bailey, said that for the last six months of 1917 his force of nine deputies made ten raids to one made by the fifty-six sheriffs and their deputies, numbering in all about 500 men.[14] At that time, if should be remembered, the Federal government was interested only in the collection of revenue. While he had seized only 680 distilleries, Bailey estimated that about 4,000 persons were connected with these stills. Commenting upon the lack of enforcement by state authorities, he pointed out that from March, 1917, to January, 1918, only six persons were committed to the state's prison for unlawful distilling.

Under Federal prohibition the illicit traffic multiplied. "We have more illicit distilleries than any other State in the Union or any other portion of the earth; and the number is increasing," Bailey wrote in 1919.[15] This war against the moonshiners, who often intimidated neighbors by threats of property destruction or bodily injury, was characterized as a guerilla struggle which might undermine the whole prohibition struc-

[13] *Report of the Commissioner of Internal Revenue* (1914), p. 29.
[14] *Biblical Recorder*, January 9, 1918.
[15] *Ibid.*, June 4, 1919.

ture, as the liquor interests had planned.[16] In 1922 the Federal prohibition commissioner for North Carolina said that the state stood near the bottom of all the states in enforcement, being classified as the forty-fourth.[17] After the passage of the Turlington act in 1923 conditions somewhat improved.

Although its statistics on enforcement were more complete than were those of the state, the Federal government was without fact-finding agencies on the subject of enforcement. The official records of the National Commission on Law Observance and Enforcement, commonly referred to as the Wickersham Prohibition Report of 1929, is for North Carolina a striking exhibition of opinionated statements accepted by many as the "law and gospel" of prohibition, and by others as an honest but pitiably inadequate study based entirely upon subjective data gathered through conferences and interviews.[18] These interviews were confined entirely to officers—"so there may be no question of their authenticity," innocently stated the investigator—including the attorney general, solicitors, mayors, chiefs of police, sheriffs, federal and state judges, marshals, and others.[19] For the year 1929, the survey recorded statistics taken from the office of the United States Attorney General.[20]

On the question of coöperation between state and federal authorities, nine officials mentioned in the report said that coöperation was "very good," or "more than formerly," or "splendid."[21] On the subject of "Drinking—increase or decrease," the report recorded the opinions of about twenty officials, fourteen of whom *thought* that drinking was less, and six *believed* it was increasing. Two-thirds of the latter opinions came from state and federal solicitors.[22] As to whether the white race or colored race furnished more of the prohibition offenders, three officials answered white, and two answered colored.[23] The report closed with fragmentary statistics on arrests for drunkenness and other violations of

[16] *Loc. cit.*

[17] *Ibid.*, April 19, 1922. At about this time the prohibitionists claimed that national prohibition had cut arrests for drunkenness in eighty-six American cities. For Wilmington, N. C., however, there was an increase; in 1916 there were 119 arrests for drunkenness, and 317 for 1922. See the *American Issue*, April 21, 1923.

[18] Enforcement of Prohibition Laws: Official Records of the National Commission on Law Observance and Enforcement, In *Senate Doc.* No. 307, 71 Cong., 3 Sess., "Prohibition Survey in North Carolina," IV, 735-749.

[19] *Ibid.*, p. 735. The report was ambitiously announced; it was "to constitute a complete and comprehensive survey of the State and Federal laws, judicial system, and law enforcement agencies, together with the facts, statistics, and other miscellaneous data available and secured bearing directly and indirectly upon prohibition and its enforcement in the State of North Carolina."

[20] *Ibid.*, p. 737.

[21] *Ibid.*, p. 740.

[22] *Ibid.*, pp. 741-742.

[23] *Ibid.*, pp. 745-746.

the liquor law for Greensboro, Wilmington, Asheville, and Raleigh, the last being the most complete.[24]

Taking the Wickersham Report entirely at its face value, without going behind its recorded *opinions,* officialdom in North Carolina endorsed prohibition. "The United States Commissioner (at Wilmington) thinks North Carolina would go overwhelmingly for prohibtion to-day (1929), and he claims to be well versed on the matter," said the Report.[25] Seemingly a majority of the people were satisfied with enforcement as it was then carried out.

Doubtless the great majority of the people believed neither the sermons and speeches of the drys, which usually declared that the prohibition laws were as well enforced as other laws, nor the declarations of the wets from within and without the state and the subtle motion-picture propaganda that prohibition was a failure and could not be enforced. Rather they suspected, if they did not know, that almost any law dealing with liquor was difficult to enforce. Few people knew of the arrests, the bitterness, and the killings caused by the efforts of the government of the United States to enforce the internal revenue laws of the former period.

[24] *Ibid.,* p. 745: Arrests in Raleigh for:

	1926	1927	1928	1929
Drunkenness	660	706	938	710
Possession and sale	249	253	192	213
Driving while drunk	95	80	122	92
Transporting	22	32	30	22

Summary of Federal court prosecutions involving violations of liquor laws, year ending June 30, 1929:

	Eastern N. C.	Middle N. C.	Western N. C.
Total sentences imposed (in years)	225	241	99
Total amount of fines	$26,088.00	$41,681.00	$17,030.00
Average sentence in days imposed per conviction	111.2	127	66.5
Average fine	$35.83	$61.02	$31.59
For year ending June 30, 1930:			
Total termination	939	1,139	796
Dismissals	42	16	25
Nolle prosequi	14	59	132
Acquitted	151	95	27
Total convictions	732	969	612
Verdict guilty	290	292	154
Pleas guilty	442	660	456
Nolo contendere	0	17	2
Per cent convictions	77.9	85.0	76.8
Per cent convictions receiving jail sentence	65.0	53.2	53.9
Sentences imposed:			
Years	447	438	203
Months	3	8	7
Days	17	12	13
Average sentence imposed per conviction:			
Days	219.9	162.9	119.7
Fines	$ 21.01	$ 46.56	$ 19.80
Total fines	$15,381.02	$45,124.00	$12,120.00

[25] *Ibid.,* p. 748.

Election of 1928 and the Anti-Saloon League

The 1928 presidential election was the beginning of the end of the Anti-Saloon League in North Carolina. When the Democratic party nominated Alfred E. Smith on a mildly wet platform and when Smith dramatically announced his wringing wet position, paramounting the issue for the repeal of the Eighteenth Amendment, the prohibitionists were in an uproar. Even before his nomination, both the *North Carolina Christian Advocate*[26] and the *Biblical Recorder*[27] announced that Al Smith was not qualified for the presidency.

On July 18, about 300 dry, anti-Smith Democrats from all the Southern states met in Asheville and organized against Smith and for Hoover.[28] Their enthusiastic determination to defeat Smith led to a split within the ranks of the prohibitionists, as well as within the ranks of the Democratic party. Senator F. M. Simmons and Frank R. McNinch, leaders in North Carolina of the anti-Smith group, organized the major portion of the drys, although many others, including Josephus Daniels, Heriot Clarkson, Cameron Morrison, and Clyde R. Hoey, supported the Democratic nominee.

The League, headed since 1925 by Reverend C. A. Upchurch, a prominent minister of the Baptist Church, was faced with a critical and epochal situation. Regardless of the way the superintendent turned, his organization might suffer. But without hesitation and even enthusiastically he threw the full force of his order against Smith and for the Hoovercrats, as the Democrats who voted for Hoover were called. Having been warned in 1925, when he was employed by the executive committee, that he might have to face just such a situation—a crisis for which the League had been preparing for years—he regarded any other course a betrayal of the principles of his organization.[29]

Through it all the League tried, however, to stay in the background and to work through other agencies.[30] Despite its efforts, the importance of the liquor issue and emphasis on it by the religious press kept the League in the spotlight. Preachers used the League's organization to campaign for Hoover. Answering ridicule, sarcasm, and charges of eccle-

[26] March 1, April 12, May 17, July 12, 19, 26, 1928. See *ibid.*, March 1, 1928: Editorial, "Why Is Al Smith Not Available?" The following answers were given: 1. He says Democratic party is a saloon party. 2. He instigated and signed the repeal of the Mullen-Gage act, and banished the last vestige of state machinery for the enforcement of the liquor law in New York. 3. He is a Tammany product. 4. He uses his religious affiliation to line up behind him a great "Roman Catholic" vote; that fact will produce a "Protestant" vote. See also *North Carolina Christian Advocate,* July 12, 1928: "Our opposition is not to the Democratic party, but to Governor Smith and only him. . . ." *Presbyterian Standard,* October 3, 1928: "Does Inability to Enforce a Law Nullify It?"

[27] July 4, August 1, 1928.

[28] *Biblical Recorder,* August 1, 1928; *News and Observer,* July 21, 1928.

[29] "Memorandum for Board of Directors" of Anti-Saloon League, February 23, 1932, MS in possession of C. A. Upchurch, Raleigh, N. C.

[30] Statement made by C. A. Upchurch in interview with author, July 11, 1941.

siastical bigotry and pulpit-politics, many preachers said that Smith's effort to repeal prohibition was a moral issue which involved the safety of the home and was not a partisan or political question.[31] "After all," concluded the *Biblical Recorder,* "was not Governor Vance right when he said whether it was right for a preacher to dabble in politics depended on the side with which he dabbled."[32]

Senator Simmons urged the common people to defeat Smith because he would seek to repeal the Eighteenth Amendment. "The inspiration, the moving power which made North Carolina a prohibition State," he said, "came from the church, the pulpit, and the mothers and fathers, especially those who lived along the lonely country side. . . . Prohibition in North Carolina is . . . their child and not that of the politicians, the lawyers, and office seekers."[33]

On election day "the rock-ribbed Democratic State of North Carolina, one of the 'Solid South,' considered the Presidential election of 1928," wrote a prohibitionist, "a virtual referendum on prohibition" and voted for Hoover.[34] The vote for Hoover was 348,923; for Smith, 286,227, a majority for Hoover of 62,696.[35] The *News and Observer* said that the American people were resolved that the Eighteenth Amendment must stand.[36] The *Biblical Recorder* called it a "Great Moral Victory" for prohibition.[37]

The prohibition issue was by no means the only reason for Smith's defeat in North Carolina. The fact that he was a member of the Catholic Church, an enemy of the Ku Klux Klan, and a product of the Tammany Hall political machine all contributed to the revolt. Quoting a well-known Catholic churchman of the state, Superintendent Upchurch said that another cause of Smith's defeat was his own character and that of his close personal henchmen and superiors.[38]

According to its public records, the League spent during the cam-

[31] *Biblical Recorder,* October 17, 24, 1928; *North Carolina Christian Advocate,* September 13, October 18, 25, November 1, 1928; *Greensboro Daily News,* November 2, 4, 1928.

[32] October 24, 1928.

[33] *North Carolina Christian Advocate,* October 18, 1928.

[34] E. H. Cherrington, *Anti-Saloon Year Book* (1929), p. 130.

[35] *North Carolina Manual* (1937), p. 109.

[36] November 8, 1928. "The country is resolved to permit no retreat upon prohibition. The bulk of the votes cast for Smith in the South and West was by prohibitionists who accepted at its face value that Smith would enforce the law, and they believed that no change could be made in the eighteenth amendment. The bulk of the Hoover vote was cast in the belief by his supporters that he would enforce prohibition and stand by the eighteenth amendment."

[37] November 14, 1928. "Governor Smith made prohibition the paramount issue and practically staked his hope of winning on the one issue. There may have been other matters that entered into the defeat of Governor Smith, but undoubtedly his views on prohibition were more responsible for his overwhelming defeat than all other things combined. . . . Governor Smith has been a menace to many American ideals and the fact that he is now forever removed as a prominent figure in national politics is another cause for gratitude."

[38] Statement made by C. A. Upchurch in interview with author, July 11, 1941.

paign about $7,000.[39] During the year and including the campaign, the League held 300 meetings in churches, and 118 other meetings, sent out 16,000 letters, and distributed 80,000 pieces of printed matter, which were equal to 320,000 book pages of literature.[40]

For the prohibitionists the 1928 victory proved only temporary and for the League a disaster. Many Smith Democrats refused to contribute further to its upkeep. On the other hand, many Hoovercrats sent checks and wrote, "Do not cash this check as long as you have men on your Committee who talk dry and vote wet."[41] In the midst of this situation the depression struck, leaving the League without funds. During the next three years, it almost shriveled up; salaries were reduced, activities were curtailed, and debts remained unpaid.

Early in 1931, believing that the sores of the 1928 battle had healed sufficiently, the superintendent planned an aggressive state-wide campaign of public addresses and of renewed work generally. Having gone through the "terrible struggle" of 1928, Upchurch advised his executive committee to announce "that we do not propose to truckle or trim to suit the wets, the politicians or the Devil," but "that we propose to wage relentless warfare against the liquor business" and all those who desired to weaken the prohibition law.[42] "Nothing," he said "would delight the devotee of the Demon Rum or cheer the cohorts of Hell so much as would the closing up of the Anti-Saloon League." He proposed to close ranks, tell the people of the real situation, and go forward.[43] His ambitious plans, however, went for naught. Within high political circles there was a feeling of hostility that foreshadowed ill-will, and a veto for any plan that looked like "a come-back." The deepening of the depression was both a cause and an opportunity to justify the veto.

The approach of an election year, including a race for a United States senatorship, encouraged Upchurch to make a bold but fatal move. Following the customary procedure in such a matter, he called a state-wide temperance convention January 21 and 22, 1932. Determined to try to heal the break in the ranks of the prohibitionists, Upchurch invited Senator Morrison to address the convention. He declined the invitation, and other speakers were chosen. In order to get away from the political center, the meeting assembled in Greensboro.[44] Sounding the key-note of the convention, Reverend J. A. Barton declared that there would be no vote on repeal until "stars fall."[45] The traffic-in-alcohol issue, it was said, had narrowed down to an issue "between that wealth that is selfish and predatory and the average man." The government was looking for additional

[39] *Loc. cit.*
[40] Cherrington, *op. cit.*, p. 131.
[41] "Memorandum for Board of Directors of Anti-Saloon League, February 23, 1932, MS in possession of C. A. Upchurch, Raleigh, N. C.
[42] *Loc. cit.*
[43] *Loc. cit.*
[44] *Greensboro Daily News,* January 22, 1932.
[45] *Loc. cit.*

taxes, and wealth sought to escape by legalizing the liquor traffic, charged the resolutions.

Dr. W. L. Poteat was elected president, and a new board of directors chosen. A resolution, unanimously adopted, indicated the trend; it provided that the election of the state superintendent be left with the board of directors. This was unusual. Superintendent Upchurch had been chosen in 1925 and had never been reëlected.[46] As subsequent events proved, this resolution meant that the convention called by Upchurch to endorse his plans had been captured by those who planned to oust him and that the convention had named a group of directors for that purpose.

Holding a meeting later, at which Upchurch was not present, the directors resolved to dismiss him.[47] At another meeting on February 18, he was notified that his services would no longer be needed.[48] Asking for a hearing for the purpose of defending his record, Upchurch charged that the action of the board was "not only hasty; but is cruel, destructive, illegal and unchristian."[49]

In his memorandum for the directors who had preferred no charges, he claimed that he was being made the scapegoat for the politically minded drys. He said: "The Liquor people hate me. . . . The politicians dislike me because I have stood loyally for the League principles."[50] He had incurred personal debts to hold the convention and his dismissal would ruin him, said Upchurch. "After doing their utmost to ruin me the worst that they have found out about me," he said in defending his record, "is that perhaps once or twice, with an overstrained bank account and a depleted treasury, I have made a little overdraft of $2 or perhaps $5."[51] The die was cast; he was dismissed. Reverend George J. Burnett, a member of the Baptist Church, was chosen to succeed him.[52]

Although the chief reason for Upchurch's dismissal, which meant the destruction of the League, was political, he had in the opinion of some of the prohibitionists been unable to finance adequately the League's program; certainly the League was heavily in debt. Be this as it may, leaders of the Democratic party who were seeking harmony within the ranks, recalling vividly the power of the prohibition issue in 1928, feared they would be unable to control such a militant leader and organization when and if a crisis should develop. Since 1903 the League and the

[46] *Ibid.*, January 23, 1932.
[47] Statement made by C. A. Upchurch in interview with author, August 29, 1941.
[48] *Loc. cit.*
[49] "Memorandum for Board of Directors" of Anti-Saloon League, February 23, 1932, MS in possession of C. A. Upchurch, Raleigh, N. C.
[50] *Loc. cit.*
[51] *Loc. cit.* "This thing comes pretty close home to me. On account of my stand in the effort to save the League." Upchurch wrote that two sons had to quit school. "Time and language would fail me to tell of the embarrassment, the suffering, the want, the humiliation, the rags, the lack of absolute comforts of life, and the thousand and one other things that my wife and little daughter . . . endured because I dared to try to save the Anti-Saloon League."
[52] Personal letter from George J. Burnett to author, August 14, 1941.

Democratic party had worked together. In 1912, the Democrats encouraged the drys against Settle, the Republican. But after 1928 the uncertainties of the future made the League politically dangerous.

On the other hand, many prohibitionists saw that the Anti-Saloon League had served its usefulness. As a result of fortuitous circumstances the election of 1928 had, seemingly, irreparably divided their forces. For the welfare of prohibition, the League should be killed and a new organization formed. Others saw that if the anti-liquor issue was to be led by an organized force, some of the opprobrium attached to the League must be discarded, a new leader chosen, and its "sledge-hammer" tactics relegated to the past.

But the demoralization of the League had its political and personal repercussions. It contributed heavily, if not decisively, to the nomination and election of Robert R. Reynolds as United States Senator. In a four-cornered race, Reynolds declared himself "in favor of repeal and real temperance." When the contest narrowed to Cameron Morrison, incumbent, a staunch dry and a liberal contributor until 1928 to the League, and Reynolds, a relatively unknown man, many expected for Morrison an easy victory. But Reynolds won the nomination and, in the land-slide election of 1932, was elected.

Morrison's defeat was, of course, brought about by a combination of factors. Perhaps the primary reason was that the drys, among whom Morrison was strong, were leaderless. As already explained, the League was demoralized, and the prohibitionists confused and disorganized. Hence Morrison did not receive his "legitimate" vote.[53]

[53] Of the twenty-seven counties that later established liquor stores, Reynolds carried twenty-three and Morrison four in the first primary; in the second primary Morrison carried only two of the twenty-seven.

	1st Primary	2nd Primary
Morrison's vote	143,179	120,428
Reynold's vote	156,548	227,864

See *North Carolina Manual* (1935), pp. 90-91.

The conclusion herein made about Morrison's defeat is based upon more than the above comparison of votes. It is based partly upon private letters written at the time by some of the leading citizens of North Carolina. Many of these letters were marked "personal." Because of the nature of the issue, I feel that I am not privilged to quote from them.

There were those who claimed that the young insurgents defeated Morrison. The limited revolt against the *status quo* certainly was a factor, but it was by no manner of means decisive. The claim that the wets did it, as well as the former claim, is disproved by subsequent events in the history of the state.

CHAPTER XIII

EIGHTEENTH AMENDMENT REPEAL ELECTION, 1933

The defeat of Smith in the election of 1928 was not the end but the real beginning of the movement for the repeal of the Eighteenth Amendment. Gathering strength because of the well-financed program, the depression, and the general unrest, repealists had gained by 1932 control of both national parties. Essentially there was no difference in the platforms of the Democratic and Republican parties on repeal; both favored it. After the election, Congress submitted to the states for ratification the Twenty-first Amendment to repeal the Eighteenth. Its early ratification was generally conceded by drys and wets alike.

The General Assembly of 1933 was the stage in North Carolina for the first round in the repeal fight. Representative G. W. Cover, of Cherokee, introduced on January 10 a bill to repeal the Turlington act.[1] Presently two other bills, one to pave the way, when Congress acted, for the sale of light wines and beer, and another to permit the sale of whiskey by drugstores upon prescription, were introduced.[2]

The drys were not idle. A loosely formed United Dry Force was organized; prohibition field days were arranged and observed;[3] and prohibition petitions against any modification began to flow to the legislature.[4] They took the position that no change in the dry laws of the state should be made without having a popular referendum; the Democratic party in the campaign of 1932 had pledged itself to such a course.[5]

There appeared to have been some disposition on the part of the repealists to accept a referendum as a party pledge, and Walter Murphey, the recognized repeal leader in the General Assembly, seemingly agreed to the plan.[6] Some of the repealists refused to coöperate, and those on the committee to which the Cover bill had been sent submitted a minority report in favor of the bill. Nevertheless, when the matter was brought to a vote it was defeated 72 to 35.[7] The drug store bill was defeated in the committee.[8]

Over the beer and wine bill there was a battle royal. The drys attacked

[1] *News and Observer,* January 11, 1933.
[2] *Ibid.,* January 26, 1933; see also *ibid.,* March 3, 1933.
[3] *Winston-Salem Journal,* January 30, 1933; *Charlotte Observer,* January 27, 1933; *Greensboro Daily News,* January 19, February 13, 20, 23, 1933.
[4] *Charlotte Observer,* January 27, 1933; *News and Observer,* February 4, 1933; *Greensboro Daily News,* February 22, 1933.
[5] *News and Observer,* February 15, 16, 1933; *Greensboro Daily News,* February 22, 1933; *Hickory Record,* February 21, 1933.
[6] *News and Observer,* January 22, 1933.
[7] *Ibid.,* March 15, 1933.
[8] Frances Renfrow Doak, *Why North Carolina Voted Dry,* p. 3.

it on the ground that its enactment without a referendum would be breaking faith with the people, that prohibition had been adopted by a popular vote in 1908 by more than 40,000 majority, and that the bill provided little or no regulation for the traffic.[9] The wets countered with the argument that the state had been made bone-dry without a vote of the people; the vote of 1908 only prohibited the sale and manufacture under certain restricted conditions. They claimed that the bill did provide regulation. Their chief argument, however, was that it would replenish a depleted treasury.[10] Try as they did, the drys were unable to defeat the measure.

By it the sale of beer, lager beer, ale, porter, fruit juices, and light wines containing not more than three and two-tenths per cent of alcohol by weight was legalized.[11] To raise revenue, taxes of two dollars per barrel and two cents per bottle were authorized. Although the Revenue Department was instructed to form and promote rules for its sale, no one was allowed to sell without first getting a permit or license from the board of county commissioners, for which a fee of twenty-five dollars had to be paid. Towns were allowed to levy a privilege tax of ten dollars. To sell without a license or to sell to minors was made a misdemeanor. All laws prohibiting advertising of beer or wine were repealed.[12]

At the same time, the more significant movement to repeal the Eighteenth Amendment was gathering momentum. When submitting the repeal amendment to the states, Congress authorized conventions to ratify or reject the proposed amendment. As the Constitution of North Carolina specifically said that all special elections should be held at the next general election, the drys pointed out that no referendum on repeal could be held before November, 1934.[13] The repealists, impatient with delay, promptly laid plans to vote in 1933. When the Supreme Court ruled that no special election could be held until 1934 and that the proposal was for a special election, the repealists deleted the words "special election" from their bill and substituted in lieu thereof the words "general election." Thereupon the Supreme Court ruled, in a four-to-one decision, Judge Clarkson dis-

[9] *News and Observer,* March 29, 1933; Minutes of the United Dry Forces, 1933, p. 22, MS in possession Judge Heriot Clarkson. Hereafter cited as Minutes of the United Dry Forces.

[10] Holland Holton, *Comments on Queer Arguments Against Prohibition,* 1933. See also *News and Observer,* March 27, April 4, 1933; *Greensboro Daily News,* March 27, 28, 1933; *Charlotte Observer,* March 22, 1933; *Hickory Record,* March 6, 25, 1933; *Asheville Citizen,* March 22, 1933.

[11] *Public Laws of North Carolina,* 1933, ch. 216, p. 335.

[12] *Ibid.,* sec. 11, p. 337. In an opinion rendered July 29, 1935, the attorney general of North Carolina held that hard liquor may be advertised generally by manufacturers and distributors in any newspaper, magazine, and periodical published in North Carolina, but that advertising of sale at retail, whether by distributors or retailers of such beverages, was prohibited. *Summary of State Liquor Control Laws and Regulations Relating to Distilled Spirits.* Washington, D. C., 1933, Appendix.

[13] Doak, *op. cit.,* p. 4; *News and Observer,* February 16, 20, March 4, 9, 1933; see also *Charlotte Observer,* February 24, May 9, 1933; *Greensboro Daily News,* April 17, 1933.

senting, that now the bill authorized a "general election" which could be held in 1933.[14]

According to the law the date for the referendum on the convention and the election of delegates was set for November 7, 1933.[15] There were to be 120 delegates, and each county was to have as many wet candidates and dry candidates as it had representatives in the General Assembly. Candidates were to be nominated by petitions signed by two per cent of the total vote cast in the county for governor. The election was to be held under the rules of regular elections, but there were to be neither markers nor absentee ballots. Should the majority of the votes cast be for "Convention," the delegates were to meet in Raleigh the following December.[16]

Would the prohibitionists contest the repeal? Legally the matter did not touch the liquor laws of North Carolina. Repeal of the Eighteenth Amendment was a foregone conclusion; even the most obdurate dry admitted it by May. At a meeting held during the legislative session the drys, discouraged, disorganized, and still divided over the Al Smith campaign, decided not to fight repeal and to let the election go by default. The belief was that their strength should be conserved for an inevitable frontal attack upon the Turlington act.[17] Some of the prohibitionists, however, led by Judge Heriot Clarkson, were displeased with that decision. Thereupon they held an adjourned meeting at the Raleigh Y. M. C. A. and resolved to fight.[18]

A new organization—called United Dry Forces by Judge Clarkson—to fight the several liquor bills in the legislature had already been started. When an Associated Press dispatch had announced at the opening of the legislature that an attempt would be made in 1933 to repeal the Turlington act, Judge Clarkson conferred immediately with Lex Kluttz, Secretary of the Raleigh Y. M. C. A., who had coöperated with him during the previous session to organize public sentiment against any tinkering with the Turlington act. This organization was now used to mobilize the drys against repeal of the Eighteenth Amendment.[19]

After the adjournment of the legislature, Secretary Kluttz was unable longer to continue in his double work. Thereupon Judge Clarkson arranged with Charles Ruffin to become secretary of a permanent organization with Dr. W. L. Poteat as president.[20] At a meeting held in May, sixty outstanding prohibitionists gathered under the banner of the United Dry Forces and enthusiastically voted to wage a vigorous campaign against the convention as well as to fix prohibition in North Carolina as a perma-

[14] Doak, *op. cit.*, p. 4.
[15] *Public Laws of North Carolina* (1933), ch. 403, p. 600.
[16] *Ibid.*, sec. 13, p. 605.
[17] Statement made by Cale K. Burgess in interview with author, July 9, 1941.
[18] *Idem.*
[19] Minutes of the United Dry Forces (1933), p. 12.
[20] *Ibid.*, p. 14.

nent policy.[21] The platform adopted declared that the purpose of the organization was "to use every legitimate means to educate the voters of the State to sustain on the statute books of the State and Nation the present laws against the sale and manufacturing of intoxicating liquors"; to promote temperance by aiding school authorities to teach the danger of alcohol; to coöperate with every agency for these purposes; and to keep their organization "non-partisan, non-political, and non-denominational."[22] Naming an executive committee and selecting four prominent dry lawyers as legal advisers, the United Dry Forces laid plans to set up a central committee of 300 drys from all sections of the state. Dr. Poteat was continued as president, and Mrs. Frances Renfrow Doak was named executive secretary.

Temporary headquarters were established in Mrs. Doak's dining room. With members of the Raleigh Woman's Christian Temperance Union and others volunteering their services, the United Dry Forces mailed letters to prospective members of the central committee and corresponded with ministers and leading drys throughout the state. A contribution of $100 and a promise of $300 more from John Sprunt Hill helped pay the postage and other expenses during the early weeks of the repeal fight.[23]

A general meeting of the central committee was held in Raleigh on June 22. Among its more important actions was the selection of a campaign manager, a task that at first seemed simple enough but which proved difficult of solution. The Anti-Saloon League, having been for decades the recognized voice of prohibition, naturally wanted to furnish that leadership.[24] Its history and especially its leadership in 1928 made it unavailable. Zeb V. Turlington was asked to lead the campaign, but he "had bought a yoke of oxen" and could not.[25] Finally, Cale K. Burgess, a successful Raleigh attorney, former soldier, organizer of American Legion Posts, and active Young Democrat, who had never been more than incidentally connected with the prohibition movement, accepted the post of campaign manager.[26] Mrs. Doak was made assistant. Moving headquarters to the Bland Hotel and publishing the names of the central committee, the United Dry Forces launched a vigorous and smoothly organized campaign.[27]

The repealists were organizing. About twelve leaders, including

[21] *Charlotte Observer,* May 26, 1933; *Greensboro Daily News,* May 26, 1933.
[22] *Loc. cit.*
[23] Minutes of United Dry Forces (1933), p. 33.
[24] *Greensboro Daily News,* February 20, 23, 1933; Heriot Clarkson's Scrapbooks on Prohibition (1933), p. 48; Doak, *op. cit.,* p. 6.
[25] Minutes of the United Dry Forces (1933), p. 39.
[26] Doak, *op. cit.,* p. 6; statement made by Cale K. Burgess in interview with author, July 9, 1941.
[27] Miss Lucy M. Cobb and W. F. Marshall were put in charge of publicity. The latter was also Treasurer. Reverend George Burnett, Superintendent of the Anti-Saloon League, Reverend C. A. Upchurch, former Superintendent of the League, Reverend J. M. Page, and M. R. Hilford were assigned to field organization work. Doak, *op. cit.,* p. 6 and *passim;* see also *News and Observer,* June 23, 1933.

Walter Murphey, John Morehead, John D. Bellamy, Thomas W. Davis, Pierce Rucker, and others, met June 6, in Greensboro, to draft plans for a meeting at High Point, June 20.[28] It was agreed that their campaign should be strictly non-partisan. Later, with Murphey as leader, headquarters were opened in Raleigh.[29]

At the outset neutral observers predicted a wet landslide. Everywhere states were tumbling into the repeal column, without a single state voting for the Eighteenth Amendment. Backed by the power and prestige of a triumphant Democratic administration and the great idol of millions, Franklin D. Roosevelt, repeal seemed assured.[30] While the prohibitionists were rallying their forces with the zeal of crusaders, the wets, feeling secure, moved more leisurely. Many people seemed to think that the liquor interests and the Democratic party would flood the state with money, and workers waited for the urge. As election time approached, however, the prohibitionists became more and more confident. Sensing the drift of public sentiment, the wets began to wage a much more aggressive campaign.

The repealists' strategy was to brand the drys as obstructionists who had "banded together to hinder and impede the advancement of national stability in the name of prohibition." Not only were the drys accused of obstructing the return of prosperity, they were "maligning the President for keeping faith with his campaign pledge to make repeal of national prohibition one of the policies by which he would redeem the nation from the racketeer, the crook and the almshouse."[31] Clever, this. Instead of being for moral uplift, as they claimed, the drys now found themselves accused of being a subversive element.

On October 7 the United Dry Forces announced 120 duly qualified candidates, of whom Josephus Daniels said, "No finer body of citizens have stood for election to office in our State."[32] This announcement "seemed to electrify the Drys and to terrify the Wets."[33] Senator Reynolds immediately started on a speaking tour to make twenty-two speeches.[34] Senator Bailey announced promptly for repeal.[35] When the wets announced that Postmaster General Farley was coming to the state to speak for repeal as the personal representative of President Roosevelt,

[28] *News and Observer,* June 8, 1933.
[29] *Ibid.,* May 20, October 22, 1933.
[30] E. H. Cherrington, *Anti-Saloon League of America Year Book* (1932-1933), p. 16. The first state to vote on the repeal amendment was Michigan, April 3, 1933. By October 10, when Florida voted, thirty-three states had voted for repeal and not a single state for prohibition. In Congress ten of the Representatives from North Carolina had voted for and none against the resolution to submit the Twenty-first Amendment to the states for ratification.
[31] *Charlotte Observer,* July 30, 1933.
[32] Ambassador Josephus Daniels writing from Mexico, Doak, *op. cit.,* p. 10.
[33] Doak, *op. cit.,* p. 10.
[34] *Winston-Salem Journal,* October 20, 1933; see also *ibid.,* November 3, 1933.
[35] Doak, *op. cit.,* p. 10; *News and Observer,* November 5, 1933.

it was the drys' turn to become "terrified." Exercising rare restraint, they refrained from making a great outcry.[36]

In his speeches Reynolds declared that he was opposed to liquor and that the issue in the election was not one for or against liquor. The real issues were whether the bootlegger and the racketeer would continue and whether the people by selling liquor legally would get the money which then went to the bootlegger. Repeal meant no more liquor than at present, but it did mean a new source of revenue and the elimination of the racketeer, he said. Asking the people to "vote as you drink," he charged that there were "400,000 illegal barrooms in North Carolina."[37]

Farley's speech in Raleigh was the climax of the repeal campaign.[38] Speaking to delegates from all parts of the state, he asked the voters to stand behind the President, saying that Roosevelt would consider a repeal vote as a personal endorsement of his leadership and a fulfillment of a party pledge.[39]

On the platform the prohibitionists were ably led by Clyde R. Hoey, Cameron Morrison, E. Y. Webb, Democrats, Jake F. Newell, Clifford Fraizer, Charles A. Jonas, Republicans, and a multitude of others. Answering the arguments of the wets that prohibition was a failure, that it had produced bootleggers and a crime wave, that immense revenue could be raised from the manufacture and sale of liquor, and that taxes could be reduced, Hoey said it was folly to charge prohibition with the crime wave, and he claimed prohibition laws were about as well enforced as any law. He admitted that some revenue could be raised from liquor, but concluded that no people and no state had become great by selling liquor which undermined both the character and the economic life of the person drinking it.[40] Morrison dubbed the argument about reducing taxes from the sale of liquor as pure "humbug," and asked the people to follow their conscience and not any outside or inside Farley, Bailey, or Reynolds.[41]

On the day that Farley spoke in Raleigh the newspapers carried a broadside against repeal from former Senator F. M. Simmons. Reviewing his battles with the whiskey element thirty years before, he said that he hoped "never to see saloons and distilleries with all their power to destroy the best and cleanest in government and in the life of our people permitted again to conduct their nefarious business in this State under

[36] *Winston-Salem Journal,* October 25, 1933.
[37] *Ibid.,* October 3, 25, 26, 1933.
[38] *News and Observer,* November 4, 1933.
[39] Doak, *op. cit.,* p. 8.
[40] *Winston-Salem Journal,* August 3, 1933; see also September 3, 1933.
[41] *News and Observer,* November 4, 1933. R. R. Clark, noted columnist, wrote: "The people who are talking about the enormous taxes the liquor traffic will pay and especially those who are telling the world that repeal of prohibition will automatically suppress the bootleggers, are either fooling themselves or they believe they can fool others. . . . The best way of managing liquor, if any, is an open question. But there is one fact that cannot be gainsaid or resisted, and that is that the liquor traffic lends itself to debauchery and corruption because of the nature of the traffic." *Greensboro Daily News,* July 16, 1933.

sanction of law."[42] If liquor must be sold, and it seemed that it would be, he thought it should be declared an outlaw and made to hide in alleys, woods, and gutters, but never be allowed to have the protection and sanction of government, which would multiply its abuses.[43]

The *Winston-Salem Journal,* edited by Santford Martin, led the fight for the drys. The "paramount issue" was not the repeal of the Eighteenth Amendment, he said, but "Shall the voters give a mandate for repeal of our state prohibition law without a vote of the people and thereby turn over the State government to the unchallenged leadership of Pete Murphey and others who always opposed prohibition of the liquor traffic in this Commonwealth?"[44] The result of the election would determine, he warned, the type of leadership the state would have for the next five or ten years in Raleigh.

With national prohibition repeal assured, the repealists were fighting ostensibly for a victory already won, seemingly a somewhat useless effort. There was "no organized opposition to the Turlington act."[45] When asked what they planned to do with the bone-dry law of the state, their only reply publicly was, "We are not thinking of that now," dismissing the matter with vague and indefinite answers.[46] Privately, it was said: "If the wets win, we will repeal the Turlington Act; and if we win by 100,000 majority, we'll have our Governor call an extra session of the Legislature and repeal it before Christmas."[47] The non-repeal leaders, on the other hand, made state prohibition the issue, hammering home on every stump and in every town, hamlet, and country church the idea that the wets were planning to repeal the Turlington act, and that a vote against the convention meant a vote for state prohibition.[48] Although the Young Democrats had endorsed repeal, they had carefully avoided any decision on the Turlington act.[49] Party politics did not become an issue in the campaign.

On the eve of election day both sides were confidently predicting victory.[50] Organized by an almost house-to-house canvass the no-repealers were more confident.[51] They strove to bestir their followers, not to make new converts. Indeed, both wets and drys conducted a campaign of organization with a minimum of public buffoonery and pageantry; name-

[42] *News and Observer,* November 4, 1933.
[43] Other speakers, less dignified in language, shouted that one might just as well pour perfume on a polecat as to try to make liquor respectable. Statement made by C. A. Upchurch in interview with author, July 10, 1941.
[44] November 1, 1933.
[45] *Greensboro Daily News,* November 6, 1933; *Winston-Salem Journal,* August 6, 1933.
[46] Doak, *op. cit.,* p. 16.
[47] *Loc. cit.*
[48] *Greensboro Daily News,* November 6, 1933; Doak, *op. cit.,* p. 16.
[49] *Charlotte Observer,* July 9, 1933.
[50] *Winston-Salem Journal,* October 31, November 7, 1933; *Charlotte Observer,* October 22, November 7, 1933; *News and Observer,* November 6, 1933.
[51] *Charlotte Observer,* October 15, 1933.

calling and mud-slinging were conspicuously absent. Nevertheless, the issues aroused deep and abiding passions.

Election day November 7 "climaxed one of the bitterest and hardest fought campaigns in many years and presaged even future struggles."[52] To the complete surprise and joy of even the most confident dry, the prohibitionists won by a landslide of more than two to one, the vote being 120,190 for convention, and 293,484 against, a victory of 173,294 majority.[53] Wet strength was displayed in the eastern part of the state, while the drys made a clean sweep of practically every other section. The dry trend was general, in urban as well as rural counties, in Republican and Democratic counties alike. Thirteen counties, including only one (Alleghany) in the west, voted for repeal. Of the candidates to the convention, only sixteen repeal delegates were chosen.[54]

"The people of North Carolina have given a mandate," said the *Winston-Salem Journal,* "in no uncertain voice. They have spoken in tones of thunder."[55] It was a mandate, said the paper, to maintain and strengthen the state laws against liquor, to encourage the sheriffs, solicitors, judges, and all good citizens to enforce the law. The *News and Observer* thought many factors must have entered into the victory, but the foremost among them was the fact that North Carolina was committed to prohibition as a state policy, being a pioneer in the prohibition movement in the South. It denied that the vote was against Roosevelt.[56]

The *Charlotte Observer* predicted that the "record-smashing victory" had settled nothing. Thirty-six states having acted, national prohibition had been relegated to the "limbo of 'noble experiments' with ignoble ends."[57] It was possible but not likely, thought the editor, that the wet element would bring their faltering legions together to elect a legislature which would repeal the Turlington act.

The drys said they had won because "there are and have been for twenty-five years more Drys than Wets in the State."[58] Doubtless that claim was in a large measure true. The charge that it represented a Republican victory and that it meant hostility to and a revolt from the New Deal need not be taken seriously.[59] For the Republicans this charge was wishful thinking; by the wet Democrats it was made remorsefully to try to frighten the dry Democrats. Repealists claimed that they had not polled their full strength, saying that the total vote cast was about a third short of the total vote for governor in 1932.[60] This is again doubt-

[52] *Winston-Salem Journal,* November 8, 1933.
[53] *North Carolina Manual,* 1935, pp. 112-113. See Appendix for complete returns.
[54] *Winston-Salem Journal,* November 8, 1933; *News and Observer,* November 8, 1933.
[55] November 8, 1933.
[56] November 9, 1933.
[57] November 10, 1933.
[58] Doak, *op. cit.,* p. 3.
[59] *News and Observer,* November 9, 1933; Doak, *op. cit.,* p. 17.
[60] *News and Observer,* November 8, 1933; *Greensboro Daily News,* November 9, 10, 1933. The total vote for Governor in 1932 was 710,218, while the total vote cast in the Prohibition election was 413,674.

ful. That many people did not vote is true, but to guess how they might have voted is fruitless.

The propaganda that the dry victory was won by the bootleggers, racketeers, and lawless groups is almost calumny. Doubtless the bootleggers did vote for prohibition, as they must have done in the states that voted for repeal. They did not keep wet states dry, and they did not decisively influence the dry victory in North Carolina. If the newspaper record of lawlessness in the United States is to be taken as an index, North Carolina had no monopoly on the activities of rum-runners, hijackers, racketeers, and Al Capone rings! Equally unworthy of comment is the story that the people of North Carolina voted dry in order to get their whiskey without payment of federal tax.

In addition to the state's dry heritage, there were contributory influences.[61] As has been emphasized, the prohibitionists and the Democratic party usually coöperated with growing unanimity from about 1903 to 1928. When the contest in 1928 split the Democratic party along wet-dry lines, the wet group made determined efforts to capture a rising insurgency in North Carolina against the political *status quo*. A small but older anti-prohibition faction within the party tried to make common cause with this younger group and claimed the credit for Reynolds' victory over Morrison in 1932. The influence of that alliance in the Reynolds-Morrison contest must have been less powerful than was at the time supposed. Misinterpreting the Reynolds campaign of 1932, the repealists made the fatal error of allowing the old, pre-prohibition leaders, not the streamlined New Dealers, to gain control of the movement. The campaign of 1933, consequently, reopened the sores of political battles of two decades before. In many respects the Democratic dry leaders thought of repeal as a repudiation of their leadership of nearly thirty years. Thus the struggle in 1933 was largely a contest for the control of the Democratic party.

The prohibitionists were ably led. In Burgess and Mrs. Doak they found an unencumbered, unifying, and rallying leadership, which shunted the old Anti-Saloon League farther to the rear. Guided by such men as Judge Clarkson, who knew the ins and outs of both prohibition and politics, they mobilized leading men and women who had political influence. Almost from the beginning the drys seized the political machinery in many counties. Flanked by ministers and other leading churchmen within every county, the dry forces had at their command a militant group who had long served in the ranks of the prohibitionists.

The United Dry Forces said their campaign was "run on a shoestring."[62] Most of the contributions were small, in nickels, dimes, quarters, and one-dollar bills. John Sprunt Hill contributed $450, Cameron Morrison $500, and Mrs. Morrison $450; but all other contributions were for

[61] Based on private correspondence and sources not for publication.
[62] Doak, *op. cit.*, p. 15.

much smaller amounts.[63] The organization reported a total expenditure of $7,117.93. Judging from the filed reports, the repealists expended an even smaller fund. They reported an expenditure of $3,367.44.[64] In addition the Woman's Organization for repeal filed in October a separate report for expenditures of $500, and in November one for $1,258.52.[65]

Many thought that the dry victory would keep North Carolina a bone-dry state for a long time. Others regarded the victory as a battle and not as a war. For the moment, at least, the dry leaders of the Democratic party were in control.[66] Only those who were planning politics saw that a dry's chances to be governor were greatly strengthened.

[63] MS in Office of Secretary of State, Financial Report of United Dry Forces.
[64] *Ibid.*, Committee for Repeal.
[65] *Ibid.*, United Repeal Council of North Carolina, Woman's Organization.
[66] During the campaign some of the repealists threatened Judge Clarkson with political reprisals. The victory was in many respects a personal vindication for him, E. Y. Webb, Clyde R. Hoey, Cameron Morrison, and others.

CHAPTER XIV

A. B. C. STORES

The Prohibition election of 1933 proved to be only the first battle in the repeal crusade. Although many in the dry ranks regarded their victory as the triumph of prohibition for decades, the leaders were laboring under no false illusions; they expected the struggle to be renewed in the General Assembly of 1935. While they hoped their decisive majority in that election and the prestige of some of the dry leaders within the Democratic party would hold prohibition securely, they did not rely upon past accomplishments.

On January 15, 1934, the United Dry Forces held a convention in Greensboro, with about three hundred delegates present, to complete plans for setting full dry strength to work.[1] Law enforcement was sounded as the key-note of the convention. Little was said about any new laws and precious little about provisions for an adequate enforcement administration. Wittingly or unwittingly they echoed the chorus so many times repeated by the old Anti-Saloon League that the way to secure prohibition was to elect legislators who would support and sheriffs, solicitors, judges, who would enforce prohibition laws—an excellent plan as far as it went. Some excitement was caused when Judge Johnson J. Hayes, Republican, proposed to license gasoline filling stations with a view to breaking up the illicit traffic. Others thought this plan was too drastic and joined the refrain that only drys should be chosen in the fall elections.

To carry through their program a board of 120 trustees was appointed. Each county was entitled to as many trustees as it had members in the lower branch of the legislature. The board was empowered to name an executive committee of 21 members and to appoint an advisory committee of 500. After awarding to Yancey County the red and gold banner for the highest percentage of dry votes in the repeal election and after listening to a number of speeches, the convention adjourned with the understanding that the executive committee would meet soon to push the fight.

The committee met March 20, in Raleigh, and adopted the slogan "Support only drys in the coming election."[2] Officers chosen included Dr. Poteat, president, Burgess, first vice-president, Mrs. Doak, secretary, and

[1] *Greensboro Daily News*, January 16, 1934; *News and Observer*, January 16, 1934.

[2] *News and Observer*, March 21, 1934.

W. L. Marshall, treasurer.[3] A budget for $10,917 was adopted to carry forward their program of education.[4]

In the General Assembly of 1935 the liquor issue played a major role and "furnished the chief drama of a dullish session."[5] On the ninth day Representative Nere Day, of Onslow, introduced "a bill to be entitled an act to submit to the voters of North Carolina the question of controlling the sale of whiskey."[6] It provided for a three-way liquor referendum on, first, the retention of the Turlington act, second, a quart-every-fifteen days for each consumer, and, third, open sale.[7] Referred to a committee, the bill for months gathered dust.

Its repose was no indication that the liquor issue slumbered. Indeed, quite the contrary was true. For the next four months a dramatic struggle took place between the wets and drys within the ranks of the Democratic party, a struggle unpublicized in the press. It was clear that the two groups in the legislature were of about equal strength, with the drys slightly in the majority.

The drys contended that their landslide victory of the previous year settled the issue. The wets replied that the vote then was on national prohibition, not state prohibition, and that a set of entirely new problems now faced the state. But, answered the drys, the Turlington act was pointedly made the issue in 1933, and had the issue of national prohibition been out of the way, the majority for state prohibition would have been still greater. The controversy narrowed, however, to one question: Should any plan to modify the Turlington law be first submitted to a popular referendum? Wets demanded it; drys denounced it.

Another election on prohibition so quickly would mean disaster for the Democratic party, said the drys. It would tear up the state from one end to the other, "and cause bitterness which would probably not be healed before the following election and might never." The drys knew full well that a referendum might endanger the success of Clyde R. Hoey, whom they were supporting for governor in 1936. It was unthinkable, wrote a prominent dry, "to give the liquor interests another bite at the cherry." From a comparison of the Democratic party vote in 1934 with the dry vote in 1933, argued another dry "it will be seen by their vote that the dry forces were perhaps over 100,000 stronger than the Democratic party

[3] Other officers were: Mrs. W. B. Lindsay, second vice-president; Thomas J. Haskins, third; Charles S. Wallace, fourth. On the executive committee were: Dr. J. C. Owens, J. H. Canady, C. E. Quinn, A. M. Noble, Santford Martin, Mrs. Raymond Binford, A. W. McAlister, Rev. Paul Barringer, I. G. Greer, Thomas H. Steele, Francis O. Clarkson, R. E. Price, Rev. Eugene R. Eller. Prominent delegates included James A. Hartness, George Burnett, Rev. W. A. Newell, Bruce Craven, Isaac Wright, Robert N. Simms, Jr., Dr. J. Clyde Turner, and others.

[4] *News and Observer*, March 21, 1934; see also *ibid.*, October 20, 1934. Burgess announced to the convention a deficit of $900.

[5] *News and Observer*, May 12, 1935, "Successful Assaults of Wets Provide High Lights of Session," by J. G. de R. Hamilton, Jr.

[6] *Journal of the House*, 1935, p. 43.

[7] *News and Observer*, May 12, 1935.

and over twice as strong as the Republican party." He added, "If the anti-liquor people should get a . . . Democrat like McNinch, it might give us trouble in the coming presidential and State elections."[8] Under great political pressure for weeks, the dry ranks held firm.

When John Sprunt Hill, hitherto an outstanding prohibitionist, introduced early in February a repeal bill in the Senate, the drys were shocked and angry.[9] His defection in North Carolina was compared to Rockefeller's defection in the nation, a blow to prohibition. Like the Day bill only in that it authorized a referendum, the Hill bill would have established state stores for the sale of liquor and emphasized the revenue provisions "providing funds for the public welfare, old age security and unemployment service." At about the same time Representative Ben Cone introduced into the House a bill to raise the legal alcoholic content of beer from three and two-tenths per cent to five per cent.[10]

The drys were determined to defeat all liquor bills for modification or for referendum, although they showed less opposition to the beer bill. When Representative Cone inadvertently admitted on the floor that his bill had been drawn by the brewers' men, the House quickly killed it.[11] Later under more experienced management, it was revived, rewritten to conform to an earlier act except as to alcoholic content, and enacted without difficulty.[12]

With beer out of the way, the Senate committee reported the Hill bill "without prejudice." During a heated debate its proponents, sensing defeat but hoping to gain support by joining liquor with revenue, had it referred to the finance committee. That committee refused to "play ball" with the wets and reported a neutral verdict. Although on the calendar, it never reached the Senate floor, being blocked by the drys.

Back in the House, in the meantime, wet strength was steadily gaining ground. A group headed by Representative Victor S. Bryant resurrected the well-nigh forgotten Day bill and redrafted it to resemble closely the Hill bill.[13] When reported from the committee a round robin vote of more than fifty members supported the measure. In desperation the drys were able only to delay it. At the end of a dramatic roll

[8] As in a former chapter, some of my statements here are based upon private letters and personal interviews, which are not for public citation. See also *Charlotte News*, March 3, 10, 1935; *Greensboro Daily News*, March 4, 1935 ("Drys Worry over Party," article by Tom Bost). "As proof of the statement that politics continue to dominate legislative poses one needs only to look at some of the most outspoken 'drys' in the general assembly." *Charlotte News*, March 10, 1935 (article by C. A. Paul).

[9] *Journal of the Senate*, 1935, p. 90.

[10] *Journal of the House*, 1935, p. 117.

[11] A distinguished prohibitionist wrote, privately: "I have the highest regard for your sincerity. . . . I do feel hurt because I am forced to respect your sincerity and lose faith in your judgment. . . . There is food for thought in the fact that the leading liquor and beer bills were introduced by men of wealth."

[12] *Public Laws of North Carolina* (1935), ch. 134, p. 149: "Not exceeding five per cent of alcohol by weight."

[13] *News and Observer*, May 12, 1935.

call the prohibitionists had a majority of one vote. Thereupon Joe Vann, who had just voted with the drys, changed his vote to favor the bill, and it passed; he had agreed previously to this if the vote was close.

Having passed the House, the bill went to the Senate, where it was defeated by a three-vote margin after another heated debate.[14] To put the Senate "on the spot," the wets in the House sponsored and passed a measure to create a Bureau of Enforcement headed by a commissioner and composed of about 200 agents—two to each county and one additional agent for each 10,000 people in counties over 30,000.[15] The wets called their plan a bill to create an army. A dry-voting committee in the Senate refused to place it on the calendar, and the measure never came to a vote.

When the session was about to close with the drys generally successful, the wets staged a remarkable as well as an unexpected attack which reversed a dry trend of more than a century. On the day before adjournment, with some of the dry members absent, the House passed a liquor bill exempting New Hanover County from the Turlington act.[16] A similar bill for Pasquotank County was quickly introduced, and efforts were made to add to it about twenty-four eastern counties; but the drys succeeded in blocking the bill. The wets did not give up. Eleventh-hour efforts on the day of adjournment to add about fifteen counties to the Pasquotank bill caused confusion within the ranks of the drys and led this time to a "free-for-all, disorderly row."[17] By twelve o'clock that night, the time set for adjournment, both houses had enacted the Pasquotank bill with the additional counties added.

At this point Governor Ehringhaus took a hand. Leaders of both wets and drys were called to his office to work out a compromise by which, at least, state control and supervision might be added to the hodge-podge, hastily drawn bill. Some of the wets were willing to make a partial concession, giving to the state the control and the revenue, and even to provide that unless as many as twenty counties voted for local option there would be no legal liquor. The drys refused to agree. After wrangling for more than two hours, the conference broke up.[18] All efforts at compromise having failed, the legislature adjourned.

The New Hanover and Pasquotank acts were alike in essential provisions.[19] The latter applied to the following counties: Pasquotank, Carteret, Craven, Onslow, Pitt, Martin, Beaufort, Halifax, Franklin, Wilson, Edgecombe, Warren, Vance, Lenoir, Rockingham, Nash, and Greene. Upon a favorable vote in a local-option election within each county, the

[14] *News and Observer,* May 3, 1935. W. P. Horton was floor manager for drys.
[15] *Journal of the House,* 1935, p. 756; *News and Observer,* May 3, 4, 1935.
[16] *News and Observer,* May 12, 1935.
[17] *News and Observer,* May 12, 1935; see also May 2, 3, 4, 1935.
[18] *News and Observer,* May 12, 1935. "What do you mean accept," snorted one wet in an aside to a dry. "We've got that much already. We've just offered to give the State the control and the revenue."
[19] *Public Laws of North Carolina* (1935), New Hanover act, ch. 418, pp. 704-714; Pasquotank act, ch. 493, pp. 877-887.

provisions of the Turlington act would cease to apply therein, and the sale of liquor would begin legally at county liquor stores. These stores were granted a monopoly on sales. To guard against the return of the saloon, all sales were to be made in sealed packages, and the liquor must be drunk neither on the premises nor "on any public road or street."[20]

An Alcoholic Beverage Control Board of three members, called A. B. C. Board, appointed by the county commissioners, were clothed with power to establish stores at their discretion and to supervise their management. Profits were to go to the county and to the town in which the store might be located.[21] In order better to break up the illicit traffic, the law authorized that five per cent of the net profits be used for law enforcement. Officers employed by the board were to be invested "with all the power now possessed by peace officers throughout the State of North Carolina."[22]

The Pasquotank law also allowed, upon petition signed by a majority of the voters within McNeills and Mineral Springs townships in Moore County, the opening of liquor stores at Southern Pines and at Pinehurst. This provision, in effect, authorized the establishment of liquor stores in Moore County by legislative enactment without a vote of the people.[23]

Altogether, nineteen eastern counties were given the local-option privilege by which they might be exempt from the provisions of the Turlington act; eighteen were to hold elections, and one was not. This was an epochal development. From about 1870, and more noticeably from 1903, laws were passed to restrict the sale and manufacture of liquor until prohibition was achieved. During this time, and one with truth could say from 1800, not once, except for the few laws repealed after the Prohibition Election of 1881, was there an important reaction expressed in the laws of North Carolina to the movement toward absolute legal prohibition.

The liquor laws were received apprehensively by the public. Drys were angry; wets were not happy; some of the leaders of the Democratic party were disturbed. Only wets in nineteen counties were pleased. Hasty predictions were made that the governor would call within ninety days a special session of the legislature to consider a remedy for the liquor situation.[24] Regardless of one's views on prohibition *per se*, said the *News and Observer*, the General Assembly had scuttled North Carolina's traditional prohibition policy "in the most objectionable and inde-

[20] The New Hanover act authorized the profits from stores located in the country to be paid to the county general fund, and in towns to be divided, the county receiving 25% and the town 75%; *ibid.*, ch. 418, sec. 21, p. 711. The Pasquotank act distributed the profits in Pasquotank between Elizabeth City and the county in the proportion that the taxable value in the city bears to the taxable value in the remaining part of the county. In the remaining counties the profits "shall be paid to each of the several respective counties." *Ibid.*, ch. 493, sec. 17, p. 884.

[21] *Ibid.*, ch. 418, p. 711.

[22] *Ibid.*, ch. 493, p. 887; *ibid.*, ch. 418, p. 711.

[23] *Ibid.*, ch. 443, p. 887.

[24] *News and Observer*, May 13, 1935.

fensible way this end could have been achieved."[25] The policy of sanctioning the sale of whiskey for the exclusive profit of a few counties, without adequate machinery anywhere for administration to protect the dry counties, would lead to complete demoralization of all liquor laws, the paper said.[26] Local option was not new to North Carolina, it continued, "but the idea of giving local option to a small group of governmental subdivisions within a single State is a phenomenon in the history of liquor control legislation in the United States."[27]

The *Charlotte Observer* was equally displeased with the "lapful of half-baked laws and measures disposed of in a devil-may-care manner" by the legislature just before adjournment.[28] Saying that the lawmakers must go back to make amends for the butchering of the wet-and-dry issue, it took the position that prohibition should be a state matter. To allow a few counties and not all others to vote was wrong. "It is neither respectable politics, good government or sound morals," concluded the paper.[29]

"Unless the character of county political machines has changed, which is impossible to believe," penetratingly observed Judge R. R. Clark, in the *Greensboro Daily News,* "what they will do with liquor control machinery will make the proposed control an offense without end."[30] The local political machines and the "flooding" of dry counties by wet counties, he concluded, had made local option unsatisfactory more than forty years before and had created conditions which led to prohibition.[31]

After the first excitement had subsided, it was clear that Governor Ehringhaus would not call a special session. With a political campaign already taking shape, most Democrats soon saw the danger of legislative wranglings over a controversial issue. When a few days later Clyde R. Hoey, a staunch dry, announced his candidacy for governor, the die was cast—liquor would, if possible, be made a local issue.[32]

The drys made unsuccessful efforts to stop the elections by asking the courts to declare the repeal statutes unconstitutional.[33] Paying little attention to these efforts, the counties with local-option privileges made ready to hold elections.[34] Nash County was the first to hold an election, and by a sweeping majority of more than three to one, it voted June 6, 1935, for liquor stores.[35] But the first store opened, after a period of twenty-six years of prohibition, was in Wilson, and the second was in Edgecombe County.[36] By the end of the year elections had been held in

[25] May 12, 1935.
[26] *Loc. cit.*
[27] *Ibid.*, May 13, 1935.
[28] May 13, 1935.
[29] May 14, 1935.
[30] May 16, 1935.
[31] *Loc. cit.*
[32] *Charlotte Observer,* May 15, 1935.
[33] *North Carolina Reports,* 208 N. C., 675, Newman *et al. v.* Board of Commissioners of Vance *et al.*; 209 N. C., 4, Hill *v.* Commissioners of Greene. Judge Heriot Clarkson dissented.
[34] *North Carolina State Board of Alcoholic Control, First Annual Report* (1938), p. 31. *News and Observer,* May 28, June 4, 17, November 2, 1935; see also *ibid.*, May 13, 14, 1935.
[35] *News and Observer,* July 3, 4, 1935.
[36] *Loc. cit.*

the special local-option counties, and A. B. C. stores had won in all of them except Rockingham County.[37] More votes were cast in each county, except one, than in the repeal referendum of 1933. At that time eleven of these counties voted for repeal.[38] In some of the counties the United Dry Forces did not organize, letting the contest go by default;[39] in others careful organizations were planned.[40]

During the primary elections of 1936 the wet-dry issue, while not preeminent, played a significant and, perhaps, a decisive part in the results.[41] An examination of the returns in the twenty-seven counties which eventually opened liquor stores gives some proof of this conclusion. In the first primary, A. H. Graham, running on a local-option platform, carried nine of these counties, and ran second in fourteen; Clyde R. Hoey carried only four small counties and ran second in only two. Graham had only four third places, while Hoey had twenty-one in these counties.[42] In the second primary, Ralph W. McDonald, leaning toward local option, carried seventeen and Hoey ten of the twenty-seven counties which later opened stores. Moreover, the majorities of the former were larger than those of the latter.[43] On the other hand, many traditionally dry counties of the west gave large majorities for Hoey. One does not have to believe entirely the prohibitionists' claim that they nominated Hoey nor to overemphasize their admission that their organization "went down the line" for him to understand the political importance of the liquor issue. The results have spoken.

When the General Assembly of 1937 convened, the prohibitionists guessed correctly that they would be in the minority and resolved to adopt a very simple strategy, the strategy of the repealists in the former session when they were in the minority: The issue of liquor stores must

[37] These counties were Beaufort, Craven, Currituck, Edgecombe, Halifax, Martin, New Hanover, Onslow, Pasquotank, Pitt, and Wilson.

[38] *News and Observer,* June 23, 1935.

[39] *Ibid.,* June 21, 1935.

[40] The United Dry Forces were thinking of the political campaign. While carefully avoiding the calling of names, they adopted an address to the people which said: "This is an election year, now is the time our citizens are determining the type of persons who will make our laws and who will be responsible for their enforcement. Hence, it is urgent that the United Dry Forces of North Carolina redouble their efforts in the fight against the liquor traffic." *Greensboro Daily News,* April 15, 1936; see also *ibid.,* April 14, 1936.

[41] *North Carolina Manual* (1941), pp. 187-189. Record of how the twenty-seven counties which opened liquor stores voted in the first primary for the three candidates:

	1st Place	2nd Place	3rd Place
Hoey	4	2	21
McDonald	14	11	2
Graham	9	14	4

The preëminent issue in the primary of 1936 was the sales tax. There were, of course, other issues growing out of the depression and the policies of the Ehringhaus administration. The liquor issue, however, was important largely because it held a balance of power and in that sense played a decisive role in the results.

[42] *Ibid.,* pp. 187-189.

[43] *News and Observer,* January 8, 1937.

be submitted to a state-wide referendum. The repealists interpreted the dry strategy as a sign of weakness and made haste to carry through their program.

At first it appeared, to the casual observer, that the prohibitionists would have no difficulty in getting the legislature to call a referendum. Clyde R. Hoey and W. P. Horton, drys, were governor and lieutenant-governor, respectively. In his inaugural address the former said that he regarded liquor as Public Enemy Number 1, and thought that temperance would not be promoted by making liquor easily accessible. Neither did he think that a state could be made great from profits derived from the sale of liquor, but he admitted that he did "not believe any solution had been found for this vexed problem."[44] On the crucial question of a referendum he did not "believe the General Assembly would be justified in annulling the vote of the people by legislative enactment," and thought that a full and fair expression of public opinion should be given at the ballot box. "These are my views. I gladly," he concluded, "accord to each of you the right to entertain and express yours."[45] A few days later, however, it was announced that the administration's policy would be hands off, leaving the General Assembly free to decide the issue.

This announcement came as a distinct disappointment to some of the prohibitionists. There were those, on the other hand, who quickly explained that this policy was in agreement with Governor Hoey's announcement of his candidacy, which did not even mention the liquor issue.[46] It was made, doubtless, for the purpose of maintaining working harmony within the ranks of the Democratic party and for the desirability of an unobstructed legislative program and administration. Clearly this crisis demonstrated the narrowness of prohibition as a "political issue." With government assuming progressively more and more social and economic duties, there were those who saw the danger of making prohibition the only test of eligibility to office, a practice which might mean the election

[44] Commenting upon the Governor's stand on prohibition and liquor stores, Representative C. C. Johnston, Iredell, said: "I think his speech was a masterpiece. He saved himself and left the [liquor] problem for the General Assembly." *News and Observer*, January 8, 1937. Other comments were (names not given): "He went up one side of the fence and came down the other." "He certainly gave more consolation to the wets than to the drys." "I'd like to know myself what he thinks about liquor. I think I'll ask him." F. Webb Williams said: "He was consistent with his campaign promise to leave the question up to the people." See *News and Observer*, January 8, 1937 (article by E. C. Daniels, Jr.).

[45] *News and Observer*, January 11, 1935.

[46] *Charlotte Observer*, May 15, 16, 1935.

"Not a syllable in it refers to the controversial question of liquor . . . that is admirable. Why should the new Governorship turn upon an issue of this nature?

"To be sure, it is exciting and glamorous and capable of drawing the lines sharply and arousing a vast amount of public enthusiasm, but after all in comparison with the full load of duties that associate with the Governor's office, it is only a casual and not the fundamental issue." *Charlotte Observer*, May 16, 1935 (editorial).

of either a radical or a conservative, or which could mean obfuscation to confuse the unsophisticated.

In the meanwhile, the Commission to Study the Control of Alcoholic Beverages in North Carolina submitted its report. This commission, headed by Victor S. Bryant, had been authorized by the previous legislature.[47] Reviewing conditions in North Carolina, the commission said that they had examined the two systems then in operation, the Turlington law system of prohibition and the local-option legal-sale plan.[48] In the eighty-two prohibition counties, conditions varied so widely, said the report, that reliable data for any generalizations were lacking.[49] The commission calculated that the liquor bill for these counties amounted to about $12,000,000 yearly.[50] On the question of arrests for drunken driving it concluded "that the figures for most of the control counties are much lower than the State average."[51] As to whether there was decrease or increase in the consumption of liquors and as to whether the liquor laws were being satisfactorily and adequately enforced, the commission did "not obtain sufficient expression of opinion on which it feels that it can base any accurate conclusions."[52] Then it added that 91.4 per cent of those in both prohibition and control counties who answered the questionnaires said that in their judgment the Turlington act was not backed by sufficient public opinion to make its enforcement effective. It said further, "Much of the information before us indicates there has been a rapid increase in the consumption of whiskey and other intoxicants in the State within the last ten years."[53]

Regarding conditions in the control counties, the report was, perhaps, a little more definite. Most of the sheriffs in these counties said that law enforcement was easier, and 91.6 per cent of the questionnaires received from people within these counties expressed the opinion that bootlegging had decreased.[54] On the matter of consumption, opinion varied, and the commission found it impossible, aside from a possible temporary increase at the outset, to say whether there had been an increase or decrease. Believing that enforcement should be improved, the commission thought that control had worked satisfactorily for a majority of the people within those counties. Statistics of the sale and profits were included, some of which may be found in Table III.

Although an unauthorized duty, the commission submitted a model

[47] *Public Laws of North Carolina*, 1935, ch. 476, p. 836. Its purpose was to study the systems in other states and "to make a survey of conditions in North Carolina relative to the manufacture, sale and use of alcoholic beverages," and to report its findings to the legislature of 1937.

[48] The commission sent questionnaires to clerks of courts, sheriffs, chairmen of boards of county commissioners in every county of the state, to all daily and weekly newspapers, and to judges, chiefs of police, and solicitors.

[49] *Report of the Commission to Study the Control of Alcoholic Beverages in North Carolina* (1937), p. 11.

[50] *Ibid.*, pp. 11-12. Virginia's liquor bill was $13,145,972.50.

[51] *Ibid.*, p. 13. [52] *Idem.* [53] *Ibid.*, p. 14. [54] *Ibid.*, p. 18.

control bill, most of which was subsequently written into law. It provided for a plan of governmental monopoly similar, in many respects, to the stores then in operation. The adoption of this plan, said the commission, would more nearly tend to eliminate liquor control from politics and, second, to paramount social welfare rather than revenue and profits.[55] On the way the system should be inaugurated the commission divided, and two reports were submitted. Four of the members, a majority, proposed that a law be passed providing for its establishment. The minority report, signed by three members, recommended that the issue be first submitted to the people in a state-wide referendum.[56]

The only important liquor issue before the legislature of 1937 was: Should there be a referendum? By a close vote of 56 to 58 in the House, the minority report was defeated.[57] In the Senate, a few days later, the referendum amendment was defeated by a vote of 27 to 17.[58] Supported by capable parliamentarians, the bill recommended by the majority was soon enacted The speed with which the measure was handled caused the *News and Observer* to announce in headlines: "Rum bill rushed through House. Referendum fails. Drys protest 'race horse' tactics of county option bloc."[59]

The law followed generally the recommendations of the commission.[60] Entitled "An Act to Provide for the Manufacture, Sale, and Control of

[55] *Idem.*

[56] *Ibid.*, p. 23.

[57] *Journal of the House* (1937), pp. 123-124; *News and Observer*, February 4, 1937: "The business-like 'wets' nevertheless laid themselves open again to the charge of 'railroading.' Little they care. . . . The fact remains, though, that the House passed a bill legalizing liquor that has not yet been printed, which came out of the committee less than eight hours before it passed, and which hardly one House member in 20 read. . . . Leaders of the liquor forces figured that their tactics were essential to the success of the kind of bill they were advocating." *News and Observer*, "Under the Dome," February 4, 1937; see *ibid.*, February 5, 1937: "Not more than half a dozen members of the House, including those on the committee which approved it, appeared to have read it. Members of the press, who try to inform the public, were not given more than a glimpse of the bill."

The United Dry Forces were also accused of using unethical methods. When Burgess gave to the press a statement allegedly signed by Dr. Frank Graham, Dr. Thurman D. Kitchin, and Dr. Walter L. Lingle, they promptly denied having signed the statement. *News and Observer*, March 8, 1937; see also MSS letters (names purposely omitted) in Heriot Clarkson's Scrapbooks on Prohibition, 1937.

[58] *Journal of the Senate* (1937), p. 156; *News and Observer*, February 17, 1937.

Before a Senate committee the drys, led by O. M. Mull and Cameron Morrison, made a "last-ditch stand," and pleaded with the members of the Senate not to make the Democratic party the "liquor party." Mr. Mull said: "If you don't let the people vote directly on liquor, they are going to vote indirectly. They are going to elect governors and State and local officials on the basis of liquor. . . . Let's take liquor out of politics." *News and Observer*, February 12, 1937.

[59] February 4, 1937.

[60] *Public Laws of North Carolina* (1937), ch. 49, pp. 84-97. The act defined alcoholic beverages: "The provisions of this Act do not apply to beverages of less than 21% alcoholic content." *Ibid.*, 1937, ch. 47, sec. 24, p. 95.

In 1941 this provision was amended to read: "Beverages of any and all kinds which shall contain more than fourteen per centum of alcohol by volume. . . ." *Ibid.*, 1941, ch. 339, p. 481.

Alcoholic Beverages in North Carolina," the statute recognized a dual policy regarding liquor and provided a uniform system by which the issue of prohibition or legal sale was made a county local-option matter. Before this time prohibition had been a state policy with county administration or enforcement. Now, without repealing but by engrafting upon the Turlington act, the new statute reversed the order and made the legal sale of liquor a county policy with state administration.

Administration was lodged in a State Board of Alcoholic Control composed of three members, appointed by the governor for a term of three years. In the counties where the sale was legalized, it was given extensive powers of control and supervision, including the power to buy and fix the prices of liquors, remove members of county boards, approve local regulations, dismiss county enforcement officers, open, close, or locate county stores—provided that one store in a county was maintained—and exercise "all other powers which may be reasonably implied from" the law.[61]

In the control counties and in any other county electing to legalize liquor stores, a County Board of Alcoholic Control, consisting of chairman and two other members, was created.[62] The members, designated as people of "character, ability, and business acumen," were to be chosen by the board of county commissioners, county board of health, and the county board of education, acting as a body. The county board was authorized to employ managers for the stores, to locate, supervise, and control them by fixing salaries and prices, borrowing money, and purchasing supplies and to work toward abolishing the illicit dealers.[63]

The law specified certain regulatory provisions. No store was permitted to remain open between the hours of nine o'clock P.M. and nine o'clock A.M., or to open on Sundays, election days, or holidays. Neither could liquor be sold to minors, to habitual drunkards, nor to persons convicted of public drunkenness or of driving a car while under the influence of liquor.[64] Liquor purchased must not be drunk on the store premises or on any public highway or street.[65]

In one respect the law applied to the "dry" counties. It allowed the transportation of not more than one gallon, provided it was sealed and not for sale.[66] From one-fifth to one-tenth of the profits must be spent for law enforcement. Generally the profits went to the county, although towns in some counties shared in the profits.[67]

Any county might hold an election, called by the county commissioners, who could be compelled to act if a petition were signed by fifteen per cent of the voters, to establish or abolish stores; but only one election might be called within three years.[68] The stores at Pinehurst and

[61] *Ibid.*, sec. 4, pp. 84-87.
[62] *Ibid.*, sec. 6, p. 87.
[63] *Ibid.*, sec. 10, pp. 89-91.
[64] *Ibid.*, sec. 11, pp. 91-92.
[65] *Ibid.*, sec. 16, p. 93.
[66] *Ibid.*, sec. 14, p. 93.
[67] Twenty gave all to county; Durham divided equally between county and town; see *North Carolina State Board of Alcoholic Control, First Annual Report*, p. 28.
[68] *Public Laws of North Carolina* (1937), ch. 49, sec. 25, p. 96.

Southern Pines in Moore County were again given special legislative protection.[69] Also, by special enactment, Windsor in Bertie County was exempted from the Turlington act and the above law. When petitions were signed by a majority of the people within that town, liquor might be legally sold at a control store.[70] Several other state-wide laws were passed, one to prohibit the advertising of liquors anywhere in the state,[71] another to encourage the growing of grapes, fruits, and berries, by legalizing and regulating more effectively the manufacture and sale of wines.[72] In the revenue act, the state levied a tax of seven per cent upon the sales.[73]

After the legislature adjourned, the repeal advocates laid plans to call elections in many counties. Some of them confidently expected that "by fall more than half of the counties of the State may be wet."[74] During 1937, however, they called elections in eighteen counties, but they carried only eight.[75] Four of the eight were small or sparsely populated counties, and three were counties with large towns. By the end of 1937 there were twenty-seven counties, including roughly one-fourth of the population of the state, in which liquor was being sold legally. The relatively poor showing of the wets in the local-option elections convinced most drys and some wets that popular sentiment for prohibition was a heritage which would not be quickly forgotten or easily altered.[76]

Encouraged by their few successes in 1937, the United Dry Forces thought they could force the next legislature to order a state-wide referendum on prohibition.[77] To mobilize dry sentiment back of that plan they held a convention in Greensboro on March 18, 1938.[78] Frankly admitting that their policy was to compel candidates in the primaries to declare their attitude on prohibition and a referendum, they adopted resolutions asking for laws to force the courts to impose maximum penalties for liquor law violations and to give the people of the entire state the privilege of settling the liquor policy.[79]

[69] *Ibid.*, sec. 26, pp. 96-97.
[70] *Ibid.*, ch. 310, pp. 636-637.
[71] *Ibid.*, ch. 398, p. 781.
[72] *Ibid.*, ch. 335, p. 666.
[73] *Ibid.*, ch. 127, (Schedule F), p. 320.
[74] *News and Observer*, March 28, 1937.
[75] *Ibid.*, April 28, May 22, June 1, 2, 6, 21, 23, 1937; see also *North Carolina State Board of Alcoholic Control, First Annual Report*, p. 6: "The eight additional counties that voted wet . . . were: Chowan, Cumberland, Dare, Durham, Johnston, Wake, Washington, and Tyrrell. . . . Ten other counties rejected control. . . . These were: Alleghany, Alamance, Columbus, Currituck, Granville, Jones, Person, Stokes, Mecklenburg and Wayne."
[76] If L. S. Blakley's *Liquor Control in the South* is taken as authority, no Southern state has had as much local and diffused agitation on prohibition as has North Carolina. Although information is unavailable upon which to base a definitive statement, it is the author's belief that no state in the Union has had such intensive agitation over such a long period as has North Carolina.
[77] *News and Observer*, March 16, 1938.
[78] *Greensboro Daily News*, March 19, 1938.
[79] *Loc. cit.* Burgess said: "This is an election year. If we hope to have good laws made, if we hope to have a general assembly favorable to our cause, we must

In making his report to the convention, Burgess said that his organization had collected $8,066.69, of which $2,965 had been advanced by himself.[80] The largest items in the expenditures were for field representatives,[81] for stenographic and office work, and for postage. More than 200,000 pieces of literature and 55,000 letters had been mailed; 35,000 pupils in the public schools were addressed regarding the harmful effects of alcohol; and 50,000 people, dispersed in almost all of the counties, were addressed by the field workers.[82]

In recognition of his services the convention named Burgess President of the United Dry Forces. Accepting the office, he "flayed the State A. B. C. authorities for failing to limit sales . . . charged conspiracy with the bootleggers . . . and declared it was his belief that A. B. C. officials were protecting [collecting] revenue from liquors sold to bootleggers, who resell to consumers."[83] After listening to other speeches and hearing that the Republican party had agreed to demand a state-wide referendum, the convention adjourned.[84]

The control forces, "alarmed" at the "rising dry sentiment," were also looking to the primary elections. Even before the Greensboro convention, the State Association of Liquor Control Boards, meeting during February in Edenton, endeavored to agree upon a common program. Although the Association agreed not to enter county politics officially, it endorsed a policy which would furnish county commissioners with any facts and figures and let them "determine the political implications thereof."[85] They must present, it was said, a satisfactory record of control and harmony within their ranks lest the General Assembly order a state-wide referendum. If such an election were called "many members of the Association plainly felt the State would again go dry."[86]

That all was not harmony within the ranks of the store advocates was revealed at the meeting when Cutlar Moore, chairman of the State A. B. C. Board, though not present, virtually forced the resignation of the Association's president.[87] A few weeks later "violent attacks on the state liquor commission came anew from Halifax County, where the Enfield

strike in the next few months. Let's quit this pussyfooting. Let us demand candidates for the legislature who will speak out openly against liquor." *Loc. cit.* At about the same time Governor Hoey was saying, perhaps in answer to Burgess, that "the liquor issue will play only a small part in the county elections." *News and Observer*, "Under the Dome," March 18, 1938.

[80] *Ibid.*, March 9, 1938; *The Watchman*, April 15, 1938.

[81] *Loc. cit.*; Field representatives cost $1,555.39; office work, $1,902.75; postage, $1,349.61. Burgess worked without pay. Statement made by Cale K. Burgess in interview with author, July 10, 1941.

[82] *The Watchman*, April 15, 1938.

[83] *News and Observer*, March 19, 1938.

[84] *Loc. cit.*

[85] *Ibid.*, February 24, 1938. Members of local boards as individuals "were at liberty to use their influence in favor of any candidate."

[86] *Loc. cit.*: "Rising Dry Sentiment Alarms Liquor Boards," by J. G. de R. Hamilton, Jr.

[87] *Loc. cit.*

and Scotland Neck papers charged the commission with inaction, but high living, accused the body of maintaining expensive office outfits and doing nothing to justify the expense."[88] To the charge that the liquor had not been analyzed, Chairman Moore said that the state board did not have provisions for the salary of a whole-time chemist. When some "signs of fraudulent dealings" appeared, however, the police quickly arrested the guilty parties. Apparently, most of the criticism arose because the county stores resented state supervision.[89]

During the fall of 1938 the wets called only two elections, and they lost both of them. Catawba County voted at the ratio of seven to four for prohibition, and Orange gave a prohibition majority of 484 votes out of 3,416 cast.[90]

In the General Assembly of 1939 the control advocates followed an aggressive policy, either because they believed that a vigorous attack was the best defense or because they misinterpreted the dry victories in the local-option elections.[91] The attempts, however, of some of the wets to destroy the control agencies of the state and turn all supervision over to the several boards of county commissioners cannot be attributed to either of such charitable motives.

The most discussed liquor bill in the legislature of 1939 was introduced and sponsored by Senator John W. Umstead.[92] It would have authorized without a vote of the people the opening of liquor stores, called warehouses, in towns with a population of 35,000 and above. These warehouses would sell by mail-orders only. Arguing for his bill, Senator Umstead said that the "so-called" dry counties were no more dry than the control counties, and he "produced photostatic copies of orders sent from North Carolina to one wholesale liquor dealer in Kentucky, and records of similar sales by four Baltimore concerns."[93] If his plan were adopted, it would produce, he said, from $3,000,000 to $4,000,000 a year in revenue.[94]

The prohibitionists had to fight the warehouse bill so vigorously that they were unable to push their planned program, which included a referen-

[88] *Greensboro Daily News,* March 20, 1938.

[89] *Loc. cit.*

[90] Results of Liquor Control Elections Held in North Carolina, mimeographed data furnished by C. S. Wester, Auditor of State Board of Alcoholic Control.

[91] *News and Observer,* February 21, 1939.

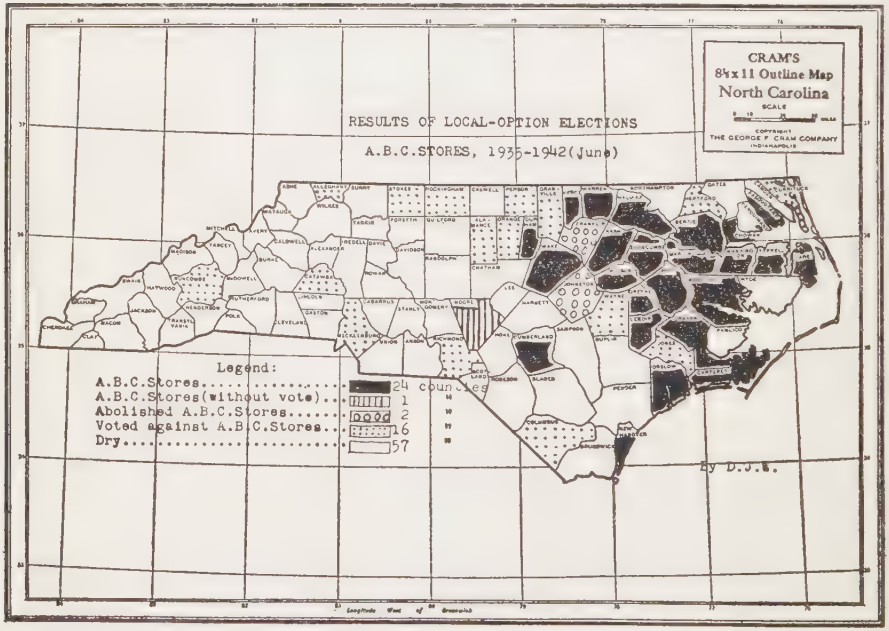
[92] *Ibid.,* February 14, 15, 1939.

[93] *Ibid.,* February 17, 1939; statement made by John W. Umstead in interview with author, August 19, 1941.

[94] Mimeographed copy of Shipments of liquor into "Dry" North Carolina Counties by Dorsey Wholesale Liquor Company, Dorsey (Relay) Maryland; P. and D. Liquor Company, 814-816 Commercial Street, Cairo, Ill.; Colmar Manor Warehouse Liquor Corporation, 507 Baltimore, Blvd., Colmar Manor, Maryland; Monumental Distillers Inc., Lansdowne, Md.: These records of shipments from four concerns showed that they had shipped 152,321.62 gallons of whiskey and 8,842.80 gallons of gin, a total of 161,164.42 gallons of alcoholic beverages from February, 1938 to November, 1938. Report furnished by C. S. Wester.

dum.[95] They answered the store advocates, who were emphasizing the profits to be made from the legal sale of liquor, by supporting a bill to raise the state tax on liquor from seven to ten per cent on gross receipts.[96] The weakness of the drys was demonstrated when Representative O. M. Mull, dry leader, helped the wets defeat the revenue increases with the expressed understanding "that he expected members from the wet counties to aid him in defeating the bill for State warehouses. . . ."[97] The referendum bill was also defeated.

Near the close of the session a number of western counties asked the legislature to prohibit the sale of "fortified" wine and beer within their boundaries.[98] In some of these counties there were large groups of Republican voters, and there was a belief that prohibition might become an issue in the local elections. After considerable "heckling over which counties should be included, an act was passed permitting 22 counties and 22 only, to forbid sales of 'fortified' wine by the drink and to forbid the sale of beer on Sunday."[99]



Those who advocated liquor stores called in 1939 three local-option elections in widely separated counties—Hertford, Richmond, and Buncombe. The prohibitionists in the first and second won decisively by a two to one vote.[100] When the people of Buncombe, with the city of

[95] *News and Observer*, February 16, 1939.
[96] *Ibid.*, February 15, 1939.
[97] *Loc. cit.*
[98] *Ibid.*, March 22, April 4, 5, 1939.
[99] *Ibid.*, April 5, 1939.
[100] *Ibid.*, February 21, 1939.

Asheville, voted 15,233 to 9,467 for prohibition, the *Asheville Citizen* commented that the people "speaking in thunderous tones, said: 'We do not want A. B. C. Stores.' "[101]

Two local-option elections were held in 1940. The control forces ventured to call for the second time an election in Person County, where the drys had won by a small majority in 1937. Again the prohibitionists won.[102] The most significant contest was in Johnston County, which had voted for stores in 1937. Calling their first election to close stores, the drys won an overwhelming victory by a majority of 3,623 votes out of 11,525 ballots cast.[103] The *Smithfield Herald* denied the charges that the bootleggers and the local factional quarrel within the ranks of the Democratic party played the major part in the prohibition victory, as the wets were saying. It said that the "single major factor in the defeat of the A. B. C. stores was the large group of sincere citizens who think that the sale of any kind of liquor, legal or illegal, is wrong and constitutes a menace to decent society."[104]

The United Dry Forces continued their grass-roots campaigning. "We have practically every Sunday," said Burgess, "a Temperance Field Day in one or more counties, having 30 to 50 temperance speakings in each particular county on each particular Sunday."[105] They furnished in 1940 "temperance speakers in over 1,500 churches."[106] The number of people contributing and the amounts of their contributions were not clear from their published records.

When the General Assembly of 1941 met, the liquor issue was attracting less public attention than at any time since the repeal of national prohibition.[107] Both Governor Broughton and Speaker Mull, it was said, were "committed to a policy which would not interfere with any of the 26 A. B. C. counties keeping their liquor stores."[108] Nevertheless, in order to close the stores, the drys again asked the legislature to authorize a state-wide liquor referendum.[109] By the end of the session, however, there had been "more gossip about this one bill than about all the others considered by the 1941 General Assembly combined."[110]

The editor of the *News and Observer* said that the referendum issue became important because the A. B. C. advocates resorted "to extraordi-

[101] *Asheville Citizen,* July 26, 1940; see also *ibid.,* July 16, 1940.
[102] *The Messenger,* August 15, 1941; Cale K. Burgess, *United Dry Forces of North Carolina,* pp. 1-2.
[103] *Smithfield Herald,* July 2, 1940. [104] *Loc. cit.*
[105] Cale K. Burgess, *United Dry Forces of North Carolina,* pp. 1-2.
[106] *The Messenger,* August 15, 1941. "In 1940, temperance speakers addressed more than 60,000 boys and girls in our high schools; . . . we distributed through the mail, schools, churches, and otherwise, more than 200,000 pieces of literature."
[107] *News and Observer,* March 16, 1940.
[108] *Op. cit.*
[109] *Greensboro Daily News,* February 22, 28, 1941; *Charlotte News,* January 2, March 14, 1941. It was said that 52 members of the House were dry, 32 were wet, and 36 unknown. Heriot Clarkson's Scrapbooks on Prohibition, 1941.
[110] *News and Observer,* "Under the Dome," March 16, 1941.

nary methods, all the more extraordinary because of the lack of doubt about the outcome."[111] Apparently for "the sole purpose of obstructing the referendum bill," the rules of procedure which had prevailed in the House of Representatives since its creation were changed.[112] The new rules required a two-thirds rather than the former majority vote to withdraw a bill from a committee and to place a minority report on the favorable calendar.[113]

Finding that they were making little progress in the face of the extraordinary tactics of the wets, the drys supported a bill to extend the privilege granted to twenty counties in 1937 of abolishing the sale of "fortified wines." When this bill was about to be defeated by being tabled, a stratagem which caught its proponents napping, Governor Broughton "found occasion to take public issue with the General Assembly for the only time during the session on that bill, and probably exerted more effort in its behalf than any other item on his legislative program."[114] It was eventually passed, but with an amendment allowing such wines to be sold in hotels, restaurants, and grocery stores in the A. B. C. counties. Twelve of those counties sought to confine the sale of wine to the liquor stores, but their proposed amendment was defeated.[115] Reviewing the liquor legislation of the 1941 session, the *News and Observer* said that the "wets have won a battle. It remains to be seen if they have lost a war."[116]

After the legislature adjourned, the United Dry Forces thought that they had an excellent chance of closing some of the liquor stores by local-option elections. Choosing the counties in which dry sentiment was strong, they called elections in four counties.[117] In Warren the stores won by about a two-to-one majority, but in Bertie, where the legislature of 1937 had authorized the sale of liquor in the town of Windsor, the stores won by only a few dozen votes. In Vance the stores won by about 200 majority out of about 3,200 votes cast. Only in Franklin did the prohibitionists succeed in closing the liquor stores.

By the middle of 1942 there were twenty-five counties, one of which had never voted, with liquor stores. Elections had been held to establish stores in sixteen additional counties, but the vote was for prohibition. Only two counties had abolished liquor stores after having once opened them. Significantly, all elections called in prohibition counties since September,

[111] March 16, 1941.

[112] *Loc. cit.* "Moreover, a new device was employed against the bill in the committee voting by secret ballot. When the bill finally reached the floor of the House on a minority report, its consideration was delayed almost to the last possible moment. . . . After a roll call had been ordered on the question, that roll call was avoided by the stratagem of a motion to table, which caught the proponents of the bill napping."

[113] *Journal of the House* (1941), pp. 299-300, rules 52 and 65.

[114] *News and Observer,* March 16, 1941.

[115] *Loc. cit.*

[116] *Loc. cit.*

[117] *Charlotte Observer,* September 11, 28, October 12, 16, 22, 1941.

1937, have been won by the prohibitionists.[118] Just as important, no county west of Durham has voted for A. B. C. stores. Thirteen of the twenty-five control counties of 1942 allowed the legal sale of liquor at the time of the state-wide election of 1908.

Table III gives a summary of the gross sales and net revenue of the A. B. C. stores. In most of the counties there has been an increase in both sales and profits. In Cumberland and Onslow counties, where the population was increased by soldiers, the amount of liquor sold in 1940-1941 was far greater than during the previous year. Table IV gives a summary of the enforcement activities in the control counties. Their record does not indicate any outstanding trends.

The drys in 1942 were confidently predicting that the unsettled conditions produced by "total war" would hasten the return of prohibition. Some of them were even pointing to 1945 as the time for a state-wide referen-

TABLE III

STATEMENT OF THE REVENUES OF A. B. C. STORES

Counties	From opening to Oct. 1, 1936		1937-1938 July 1-June 30		1938-1939 July 1-June 30		1939-1940 July 1-June 30		1940-1941 July 1-June 30	
	Gross Sales	Net Revenue	Gross Sales	Net Revenue	Gross Sales	Net Revenue	Gross Sales	Net Revenue	Gross Sales	Net Revenue
Beaufort	147,760	32,743	207,694	38,500	208,072	41,564	248,856	50,645	235,533	41,621
Bertie	.....	.....	81,555	11,014	56,756	10,187	66,784	12,504	58,287	9,318
Carteret	97,286	18,873	105,846	12,087	110,458	13,580	120,130	14,886	137,031	17,369
Chowan	.....	.....	69,303	11,951	81,036	15,863	83,856	16,598	87,308	15,651
Craven	114,102	92,018	136,347	22,896	130,154	22,651	128,531	21,229	139,210	20,9-3
Cumberland	.....	.....	295,936	50,904	341,173	67,939	425,241	89,653	960,509	212,449
Dare	.....	.....	46,668	3,495	51,965	5,674	52,348	5,839	61,912	9,002
Durham	.....	.....	1,051,228	229,316	1,031,745	241,437	1,223,343	289,631	1,282,515	274,249
Edgecombe	363,794	77,739	357,433	63,183	350,128	65,499	400,672	73,298	381,769	62,783
Franklin	105,018	19,880	125,905	12,110	116,404	13,037	122,358	18,822	103,923	11,959
Greene	40,813	36,177	60,660	8,858	56,338	8,775	53,994	6,078	41,200	3,360
Halifax	326,206	67,706	382,196	68,290	377,248	75,216	463,534	93,509	489,886	93,262
Johnston	.....	.....	387,368	51,218	268,957	33,758	309,766	42,098	.....	.....
Lenoir	291,890	66,917	298,504	60,363	265,208	54,343	266,918	53,360	293,792	53,429
Martin	131,529	27,061	146,732	23,075	122,793	19,580	136,364	22,063	138,013	21,275
Moore	229,469	38,372	288,682	54,186	293,707	57,421	323,606	64,728	375,454	71,149
Nash	313,766	63,077	267,810	38,031	235,826	38,086	278,201	46,902	261,731	38,583
New Hanover	502,792	119,161	533,044	99,230	546,725	109,918	603,066	119,431	751,880	144,573
Onslow	62,972	11,403	61,362	9,746	46,099	8,149	47,038	8,017	112,475	22,920
Pasquotank	134,391	30,810	156,888	29,731	168,546	35,798	216,786	47,141	246,798	51,872
Pitt	284,132	57,024	457,654	71,039	424,617	80,675	490,907	94,555	398,583	69,304
Tyrrell	.....	.....	15,094	1,959	22,804	2,260	21,636	4,236	30,375	6,299
Vance	266,487	58,152	211,925	40,464	188,473	38,515	223,447	46,052	203,565	36,409
Wake	.....	.....	812,279	162,143	975,430	221,363	1,084,925	233,803	1,150,531	221,219
Warren	83,775	9,610	110,636	12,811	108,102	14,553	126,752	19,077	140,107	20,560
Washington	.....	.....	60,183	8,624	47,198	5,605	63,708	9,857	75,521	11,993
Wilson	229,469	38,372	333,252	52,667	306,591	51,339	389,611	72,686	360,281	56,261

[118] *News and Observer*, February 21, 22, 23, 1939; *The Watchman*, April 15, 1938; *The Messenger*, August 15, 1941.

dum. The unpredictable changes that were taking place and the rush of mobilization had temporarily, at least, pushed prohibition into a secondary place. Be this as it may, there is ample evidence that neither the wets nor the drys believed that the issue had been finally settled.

TABLE IV

SUMMARY OF ENFORCEMENT ACTIVITIES IN THE CONTROL COUNTIES

	1937-1938 July 1-June 30	1938-1939 July 1-June 30	1939-1940 July 1-June 30
Arrests	2,900	3,516	3,364
Convictions	2,249	2,501	2,687
Total sentences imposed (yrs.)	473 yrs. 11 mos.	712 yrs. 11 mos.	762 yrs. 2 mos.
Fines imposed	$36,555.61	$48,104.86	$31,142.57
Non-tax-paid whiskey seized (gals.)	14,496½	15,112	12,433½
Tax-paid whiskey seized (gals.)	454¾	611	439
Automobiles seized	157	204	168
Stills seized	1,054	1,446	1,123
Total mash destroyed (Est. gals.)	1,014,040	779,632	568,793
Defendants turned over to Federal Court	290	594	546
Number of places padlocked	21	50	0
Number of enforcement officers employed (average)	61	71	77

ADDENDUM

During 1942 there was little or no agitation regarding prohibition. In the 1943 General Assembly other issues overshadowed interest in the liquor problem. The House of Representatives again adopted the "gag" rule, by which a two-thirds majority vote in the House was necessary to consider a minority report from a committee. This rule made next to impossible the passage of prohibition legislation because the House committees were controlled by those who were opposed to changes in the liquor laws.

The *News and Observer,* commenting editorially on the action of the House, said, "The House of Representatives yesterday handcuffed itself by adopting a drastic gag rule, totally foreign to democratic ideals and contrary to customs in parliamentary bodies where democratic principles govern procedure."[1]

In addition to a few minor changes in the state revenue act regarding taxes on wine and beer, the General Assembly enacted twenty-two local laws dealing chiefly with A. B. C. stores.[2]

Soon after the adjournment of the legislature, the drys held a statewide meeting in Greensboro and organized the Allied Church League for the Abolition of Beverage Alcohol, Incorporated. Taking over the work

[1] January 8, 1943; see also *ibid.,* January 9, 1943. The leader against the "gag" rule was John W. Umstead.

[2] *Laws of North Carolina,* 1943.

of the United Dry Forces, which had led the dry cause during the past ten years, the new League chose Dr. I. G. Greer, Superintendent of the Baptist Orphanage at Thomasville and President of the Baptist State Convention, to be president. Control was placed in a board of trustees composed of representatives from twelve different religious denominations.[3]

In 1944 the prohibition issue entered dramatically in the Democratic primary. At the outset the question was: Would the candidate, if he was nominated, favor a law calling a state-wide referendum on the abolition of the A. B. C. stores?[4] Subsequently both candidates, R. Gregg Cherry and Ralph W. McDonald, answered that they did favor such a referendum and would recommend to the General Assembly that it provide for holding a referendum.[5]

As the primary drew to a close the "Operation of the State Alcoholic Board of Control emerged . . . as the hottest issue" of the campaign, said the *Charlotte Observer*.[6] Dr. McDonald raised the issue that the State Board of Alcoholic Control had violated the spirit, if not the letter, of the law when it purchased 175,000 cases of Rocking Chair whiskey.[7] He further claimed that the profits from the transaction were being spent in the primary to defeat him.

Governor Broughton immediately replied to Dr. McDonald's intimation as to the legality of the "Rocking Chair Deal," saying that it was "utterly without foundation and wholly unworthy."[8] At the same time Governor Broughton announced that he now was no longer neutral in the gubernatorial primary, but would work for the nomination of Cherry.

In his message to the General Assembly of 1945, Governor Cherry said, "I take this means to advise you that the conditions which now exist in the State, with reference to liquor, should no longer be tolerated without approval of the people by popular vote."[9] He made two specific recommendations: "First, That in order to determine the popular will of the people, the General Assembly should make provision for holding a State-wide referendum on the liquor question. Second, That in the

[3] *News and Observer*, March 26, 1943. The objectives of the new organization were given as follows: "To promote Christian citizenship and civic righteousness, including sobriety and total abstinence, to ascertain, assemble and disseminate scientific facts regarding alcoholic beverages and the physical, mental, social and moral effects of their use; to prepare, print, publish and distribute letters, circulars, pamphlets, papers and other printed material regarding alcoholic beverages; to work, organize and prosecute campaigns and work against alcoholic beverages, along educational, legislative and all other lines; to engage in all forms of activities to combat the manufacture and sale of alcoholic beverages."

[4] *Ibid.*, May 11, 12, 1944. "There is a strong demand from many quarters for the submission of the liquor question to a state-wide referendum in 1945. . . . Since then (when the "gag" rule was first adopted) the State has witnessed the disgusting spectacle of packed committees and gag rule which has prevented a free expression on the subject." *Ibid.*, May 16, 1944.

[5] *Ibid.*, May 16, 1944.

[6] May 27, 1944.

[7] *News and Observer*, May 23, 1944.

[8] *Charlotte Observer*, May 26, 1944.

[9] *News and Observer*, January 5, 1945.

meantime, you should provide for controlling the liquor shipments through the State in violation of the laws of the State. . . ."

Even before the Governor spoke, the House adopted, after a sharp contest, the "gag" rule of the previous session. The Speaker refused a roll call, but ordered only a standing vote. Thirty-two members were reported to have voted against the rule.[10] After this action in the House, hope for a state-wide referendum faded.

The legislature, however, did carry out the second part of the Governor's recommendation when it enacted "An Act to Regulate and Control the Transportation of Certain Alcoholic Beverages into and through this State and Prohibit the Illegal Transportation of the Same."[11] About thirty special acts were passed prohibiting or regulating the sale of beer and/or wine in certain localities. More significant was an amendment to the revenue act which gave the governing bodies of twenty-three counties or to any governing body of towns therein and to the town of Aulander the authority to refuse to issue or renew licenses to dealers in wine and beer.[12]

No change has occurred in the number of counties with A. B. C. stores. In 1943 the net revenue from the stores in the twenty-five counties was $4,143,694.16, in 1944 it was $2,739,505.54, and in 1945 it was $3,403,578.50.[13]

[10] *Ibid.*, January 4, 6, 10, 1945. Those voting against the "gag" rule were: "John W. Umstead of Orange, Merrill Evans of Hertford, Carl P. Worley of Johnston, Wade Barber of Chatham, McKinley Edwards of Swain, Allison L. Overby of Harnett, D. E. Turner of Iredell, Sam Welfare of Forsyth, F. L. Gobble of Forsyth, John S. Watkins of Granville, O. L. Moore of Scotland, C. E. Quinn of Duplin, Charles C. Horn of Cleveland, T. E. Story of Wilkes, Dr. J. H. Hutchins of Madison, J. J. Morton of Stanly, R. B. Long of Yadkin, R. V. Alexander of Davie, M. Donley Hart of Ashe, Hayden Deal of Alexander, Robert Mosley of Guilford, Frank R. Hutton of Guilford, W. J. Roundtree of Gates, W. H. McDonald of Polk, D. P. Dellinger of Gaston, G. C. Boswood of Currituck, Dr. G. W. Brown of Hoke, Charles F. Hauser of Lincoln, S. C. Eggers of Watauga, W. R. Fields of Avery." *Ibid.*, "Under the Dome," January 6, 1945. "H. R. Harris of Northampton." *Ibid.*, January 17, 1945. This makes a total of 31; one name is missing.

[11] *Laws of North Carolina*, 1945, p. 457.

[12] *North Carolina Revenue Act*, 1945, p. 222. These counties are: Watauga, Ashe, Jackson, Haywood, Duplin, Alexander, Robeson, McDowell, Yadkin, Wilkes, Sampson, Greene, Montgomery, Transylvania, Randolph, Chatham, Alamance, Clay, Madison, Pender, Avery, Nash, and Granville.

[13] *North Carolina Board of Alcoholic Control*, Auditor C. S. Wester's Reports, 1942, 1943, 1944, 1945.

CHAPTER XV

CONCLUSION

The control of alcoholic liquors has been one of the most difficult problems ever to confront the people of North Carolina. Regardless of whether one believed in temperance and opposed prohibition or favored personal abstinence and opposed interference with individual rights and appetites, virtually every person interested in social betterment recognized in the excessive use of liquors a problem to be solved by the individual, by the temperance society, by the church, by prohibitory laws, or by some or all of these methods combined. No other issue has received such prolonged and, at times, heated agitation. Indeed, if the number of petitions presented to the legislature is to be taken as an index to the popular interest in this subject, then no other issue has received one-tenth as much agitation.

Despite the fact that prohibition in North Carolina is a product of the twentieth century, prohibition had its origin many years ago. This movement, until about forty years ago called the "temperance movement," falls logically into four great divisions. First was "the regulative period"; second, "the individual temperance period"; third, "the prohibition period"; and fourth, "the A. B. C. Store period."

The regulative period started in 1715 and continued along with the other movements, which began about one hundred years later, until 1908. Its two distinguishing characteristics were found in laws to punish public drunkenness and in laws to establish a license system.

The second period, which started during the first quarter of the nineteenth century, was the individual temperance period. Although this movement was paralleled by both the regulative and, to a lesser degree at the beginning, by the prohibition period, the emphasis for liquor reform was on total or partial abstinence, and was expressed by loosely organized temperance societies in which the members banded themselves together by adopting a constitution pledging themselves to personal temperance.

The third and more significant period of liquor control was that in which the movement to prohibit the sale of liquor by law flourished. This movement began about one hundred years ago. No clear or distinct line of demarcation separated prohibition from temperance. In fact, the people who organized and joined temperance societies also led the movement to have the General Assembly enact prohibitory laws. Quite naturally, prohibition was always advocated as furthering the cause of temperance. In 1908 state prohibition was voted by abolishing the saloon, the poor man's lodge. Gradually the dry laws were strengthened until the bone-dry Tur-

lington act of 1923 was passed. Meanwhile Federal prohibition was established.

During the course of this gradual development a serious reaction did not occur in the legal forms of liquor control until 1935. At that time the fourth and last period of liquor control began. At present A. B. C. stores in twenty-five counties sell liquor legally, and seventy-five counties are under the Turlington act.

In reviewing the movement several factors are salient. Before the Civil War the non-governing classes directed the movement, but after the War prohibition soon became closely identified with politics. From about 1900 to 1930 the prohibitionists controlled the liquor policy of the Democratic party. Support for prohibition came from many different groups, but the clergy was most militant. The various churches first learned the value of coöperation in their common effort for prohibition. Many groups opposed prohibition, but the liquor dealers fought it most vigorously. To deny a vested interest its legal protection required prolonged agitation and aroused deep passions. Enforcement and illicit dealers have constituted problems yet unsolved.

During the past century the prohibitionists have scarcely altered any of their fundamental arguments. They began with the assertion that liquor was a habit-forming drug, that because of that quality its use often led to intemperance, that intemperance led to social as well as to personal abuses. Therefore government, an agent for the betterment of the individual and society, should seek to destroy the liquor traffic.

The anti-prohibitionists have usually agreed with the prohibitionists on the evil, but they have almost always differed on the remedy. Originally they said the remedy should be applied by the individual. Finding that position untenable, they were willing to tax, restrict, and regulate the traffic by governmental agencies. For many years restrictions were imposed upon the saloons. By 1932 they had agreed that the saloon should forever be eliminated. Today they agree that the government is the only agency which should be intrusted with the sale of liquor, but they do not agree that the government can actually or approximately establish prohibition—certainly without creating problems far more dangerous than those which would prevail under legal sales. Regarding the argument that liquor stores will furnish revenue, sincere anti-prohibitionists consider revenue a result, not a cause of their program; only shortsighted people would deliberately encourage vice to escape taxation.

The informed prohibitionists admit that absolute stoppage of the sale and use of liquor is only an ideal to be achieved far in the future, but they insist that the only way to travel toward that ideal is for the government to prohibit, not to engage in, the sale of liquor.

That liquor is today being legally sold after a quarter of a century of prohibition has been falsely interpreted to mean that a circle has been run in the matter of dealing with the liquor problem and that no worth-

while progress has been made. Such an interpretation betrays a lack of understanding of the prohibition movement and of the factors which gave it birth. Prohibitory laws arose out of a quickened consciousness and social awareness of liquor abuses, chiefly *public* drunkenness and the by-products of drunkenness, public and private. The evidence is abundant that most of these abuses were committed by the lower cultural groups. The unskilled workers, the renters, and the uneducated people probably committed from seventy-five to ninety per cent of the abuses. Anti-prohibitionists who do not belong to the lower one-third of the population and who do not make of themselves public nuisances have often had little patience with laws which in many respects were not enacted to regulate their conduct. They, just as some prohibitionists, have regarded prohibition as a moral issue only. Always prohibition has been bigger than prohibitory laws, bigger than the formal teaching of the evils of alcohol in schools. The problem of prohibition is not only moral and legal, it is economic, psychological, and social as well.

The explanation of the contest over prohibition as a struggle by the rural people of North Carolina to impose by force their ideals on the people living in towns need not be taken seriously. Such an assumption is based upon the belief that country people drink less intoxicants than city people. Doubtless this explanation has arisen because, generally speaking, the urban centers have opposed and rural districts favored prohibitory laws. The former opposed prohibition because the abuses there were less dangerous. Police protection could be afforded promptly and effectively. In the towns closer association of people developed more social or civic responsibility and a feeling of personal security. This attitude expressed itself in better enforcement of laws. The place of the Negro in the prohibition movement was important largely because many of that race belonged to the lower economic and social strata.

What of the future? What are some of the bases for "a common faith"? In the first place, both drys and wets need more information and knowledge of the general movement and the forces that brought it into being. They should be able to answer from this knowledge and from data made available from "case study" such questions as who commit the abuses and why. In the second place, armed with facts, not hear-say and uninformed opinions as at present, they should, and probably will, recognize that the liquor problem is economic and social as well as moral and legal. It is, in the broadest sense, a problem of functional democracy. In the third place, they should use imagination to translate past experiences and facts into a social and economic pattern safeguarded by adequate enforcement, a pattern which may likely involve the overhauling of many antiquated "horse and buggy" agencies for the administration of justice. In the fourth place, when we have finally attained this "common faith" through the democratic process of experimentation, there will be far more unity of opinion as to the best method of controlling the traffic in alcoholic beverages.

APPENDIX

Elections on Prohibition

Vote on Prohibition, 1881, 1908, 1933 (Convention), and 1935-1941 (A. B. C. Stores)

Counties	Prohibition				Convention, 18th Amendment		A. B. C. Stores		
	August, 1881		May, 1908		November, 1933				
	For Prohibition	Against Prohibition	For Prohibition	Against Prohibition	Against Convention (Dry)	For Convention (Wet)	Year	Against Stores (Dry)	For Stores (Wet)
Alamance	542	1,749	2,097	946	4,999	1,541	1937	4,086	3,083
Alexander	337	652	667	697	2,509	292			
Alleghany	49	720	194	396	667	856	1937	*	*
Anson	687	1,989	1,008	464	2,220	803			
Ashe	266	1,328	985	540	4,099	660			
Avery	.....	.....	.....	.....	1,912	393			
Beaufort	688	2,494	1,491	959	1,572	1,822	1935	964	2,933
Bertie	224	2,386	808	686	1,715	821	1941	1,207	1,234
Bladen	449	1,986	1,007	223	2,530	374			
Brunswick	226	1,112	499	384	1,315	492			
Buncombe	1,606	1,745	4,263	593	8,749	5,620	1939	15,233	9,467
Burke	348	1,238	1,239	546	4,413	1,033			
Cabarrus	931	1,413	1,356	1,232	4,373	1,916			
Caldwell	245	871	1,240	627	3,869	937			
Camden	106	688	176	217	357	262			
Carteret	405	983	877	559	1,706	828	1935	1,004	1,547
Caswell	226	2,666	323	518	775	406			
Catawba	876	1,305	1,784	951	6,076	1,840	1938	7,109	4,177
Chatham	1,146	2,894	1,299	635	3,517	580			
Cherokee	270	262	1,646	118	2,342	730			
Chowan	139	1,057	432	298	516	438	1937	575	756
Clay	149	133	343	23	872	98			
Cleveland	1,142	1,144	2,114	195	6,961	1,175			
Columbus	365	1,704	1,062	907	2,894	1,110	1937	2,922	1,325
Craven	610	2,663	845	799	1,046	1,874	1935	558	2,262
Cumberland	1,135	2,577	1,524	952	2,877	1,295	1937	2,214	3,208
Currituck	184	529	478	167	256	547	1937	584	448
Dare	113	175	462	7	424	323	1937	645	651
Davidson	666	2,571	1,934	1,613	7,912	1,534			
Davie	397	1,433	925	498	2,996	411			
Duplin	643	2,008	1,121	1,138	3,005	1,098			
Durham	381	1,888	1,278	1,909	3,393	3,432	1937	3,308	7,784
Edgecombe	454	4,295	888	1,100	861	2,036	1935	332	2,845
Forsyth	663	2,214	2,668	1,101	10,535	3,729			
Franklin	541	2,835	1,080	1,098	1,296	769	1935 1941	1,075 1,429	1,624 1,169†
Gaston	946	1,174	2,058	643	10,193	2,689			
Gates	143	1,124	432	348	657	235			
Graham	79	125	224	60	902	300			
Granville	693	2,795	1,045	598	1,230	577	1937	1,998	970
Greene	351	1,249	793	369	1,234	334	1935	735	876
Guilford	1,161	2,648	3,445	1,849	12,557	5,550			
Halifax	484	5,075	1,169	808	1,411	2,155	1935	790	3,532
Harnett	226	1,544	944	868	3,076	1,176			
Haywood	655	676	1,928	81	4,040	2,010			
Henderson	328	824	1,212	191	3,965	1,426			
Hertford	253	1,708	653	258	1,045	348	1939	1,186	514
Hoke	.....	.....	.....	.....	948	337			
Hyde	290	1,101	550	120	885	247			
Iredell	1,291	2,358	2,169	985	7,442	1,619			
Jackson	258	476	1,032	38	2,797	1,105			
Johnston	423	3,720	1,647	3,237	3,992	1,835	1937 1940	3,768 7,579	4,074 3,956

Counties	Prohibition				Convention, 18th Amendment		A. B. C. Stores		
	August, 1881		May, 1908		November, 1933				
	For Prohibition	Against Prohibition	For Prohibition	Against Prohibition	Against Convention (Dry)	For Convention (Wet)	Year	Against Stores (Dry)	For Stores (Wet)
Jones	88	1,196	423	286	402	333	1937	579	454
Lee	.....	.....	639	95	1,938	425			
Lenoir	399	1,954	1,134	639	1,397	1,374	1935	1,030	3,004
Lincoln	653	1,116	1,175	195	4,039	547			
Macon	257	558	841	70	2,349	600			
Madison	719	917	1,715	120	3,431	706			
Martin	139	2,320	590	1,032	669	1,161	1935	351	1,748
McDowell	383	786	1,093	187	3,497	823			
Mecklenburg	2,330	3,831	3,069	1,151	8,113	6,127	1937	8,659	7,777
Mitchell	366	381	1,276	43	2,800	435			
Montgomery	364	1,094	720	620	2,701	380			
Moore	770	1,690	792	352	2,451	1,021		Without vote	
Nash	232	2,867	1,264	1,261	2,229	1,750	1935	963	2,870
New Hanover	898	2,004	1,347	1,508	1,418	3,161	1935	1,802	5,386
Northampton	631	2,915	1,206	332	2,228	317			
Onslow	145	1,500	490	1,273	647	886	1935	283	1,249
Orange	500	1,709	612	926	1,533	952	1938	1,950	1,466
Pamlico	289	985	504	429	824	442			
Pasquotank	278	830	606	578	750	1,194	1935	494	1,527
Pender	303	1,542	657	416	1,024	678			
Perquimans	254	1,059	411	404	641	323			
Person	193	2,018	547	682	913	650	1937 1940	1,113 *	1,091 *
Pitt	490	3,129	1,809	845	1,843	2,143	1935	1,171	3,469
Polk	142	460	431	107	1,666	323			
Randolph	842	2,180	2,146	813	7,697	842			
Richmond	864	2,024	674	432	2,689	1,104	1939	2,586	1,478
Robeson	1,203	2,591	2,275	347	4,712	1,320			
Rockingham	401	3,058	1,624	1,496	3,060	1,702	1935	4,022	3,503
Rowan	552	2,519	2,493	1,851	5,594	3,072			
Rutherford	602	1,699	1,559	426	7,377	1,125			
Sampson	872	2,520	1,557	955	4,759	846			
Scotland	.....	.....	576	48	1,518	444			
Stanly	471	1,245	1,044	1,320	4,082	846			
Stokes	144	2,025	819	1,264	1,998	430	1937	2,586	1,914
Surry	314	2,067	1,461	1,755	4,832	1,375			
Swain	116	204	610	105	1,552	491			
Transylvania	230	202	380	178	1,602	918			
Tyrrell	72	673	186	337	254	175	1937	302	353
Union	890	1,694	1,737	638	3,040	1,005			
Vance	496	1,710	892	475	1,037	987	1935 1941	545 1,742	2,483 1,518†
Wake	1,600	5,751	2,455	3,188	5,771	4,483	1937	6,560	7,932
Warren	437	2,679	667	395	875	786	1935 1941	669 *	1,281 *
Washington	134	1,467	445	387	480	450	1937	269	532
Watauga	228	731	1,106	157	3,180	824			
Wayne	721	3,609	1,520	1,352	3,684	1,618	1937	3,040	2,595
Wilkes	337	2,429	1,225	2,521	4,423	1,984			
Wilson	264	1,574	1,503	734	1,150	1,908	1935	428	4,147
Yadkin	422	1,406	673	1,131	3,545	421			
Yancey	502	329	1,210	10	3,137	265			
Total	48,370	166,325	113,612	69,416	293,484	120,190			

*Voted dry. †Returns not complete.

Sources: North Carolina Manual, 1913, pp. 1019-1020; *ibid.*, 1935, pp. 112-113. C. S. Wester, Auditor for State A.B.C. Stores, furnished results of A.B.C. store elections.

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